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Delivered Via Email

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Re: 1396 5th Street | Appeal of PLN20-101
Brief in Support of Opposition to Appeal
Our File No.: 11618.01

Dear Mr. Vollman:

Our office represents the Michaels Organization, sponsor (“**Project Sponsor**”) of the project at 1396 5th Street (the “**Property**”). The Property is a vacant unimproved lot that was previously a senior affordable housing project by the Project Sponsor that was the subject of arson resulting in a total loss. Since the devastating fire in 2012, the Property has been scraped and fenced off pending redevelopment. Project Sponsor propose to improve the site with a 222-dwelling-unit residential development (the, “**Project**”) pursuant to the State Density Bonus Law.

This appeal is brought following the Planning Commission’s unanimous approval of the project on March 3, 2021, after all the recommended design modifications raised at the Design Review Committee hearing on October 28, 2020, were incorporated. In approving the Project, the Planning Commission affirmed Planning Department staff’s environmental determination and California Environmental Quality Act (“**CEQA**”) findings, concluding that the Project qualifies for an addendum as well as exemptions from additional environmental review. East Bay Residents for Responsible Development (“**Appellant**”) appeal the approval of the CEQA findings, the Planning Commission’s approval of entitlements, and the March 4, 2021, decision letter.¹

The appeal must be denied because it does not meet the fundamental legal standards to establish either (1) an abuse of discretion by the Planning Commission in approving the Project or (2) that substantial evidence does not exist in the record to support the Planning Commission’s action. Abundant past precedent makes it clear that the use of the CEQA streamlining and tiering provisions for environmental review – specific plan exemption, community plan exemption, qualified in-fill exemption, and addendum – under these circumstances was proper. The appeal is without merit and should be dismissed.

¹ March 4, 2021, decision letter and March 3, 2021, Planning Commission staff report are attached as **Exhibit A**.

A. PROJECT SITE AND PROJECT DESCRIPTION

The Project is located on an approximate 0.88-acre site located at 1396 5th Street, which is located on the north side of 5th Street bounded by Mandela Parkway to the west, Kirkham Street to the east, and the BART aerial tracks leading into the West Oakland BART station to the north. The West Oakland BART Station is across Mandela Parkway. The Project site is currently a vacant lot that has been held by the Project Sponsor for redevelopment since the previously approved senior housing project was destroyed by fire.

The Project site is identified as Opportunity Site #23 (along with many other parcels totaling 9.44 acres) in subarea 2A of the 7th Street Opportunity Area (West Oakland BART Station Area) in the West Oakland Specific Plan (“WOSP”), which was approved by the City in 2014. Subarea 2A includes the properties immediately surrounding the West Oakland BART station, many of which are vacant parcels used as a surface parking lots, though in the years since the WOSP was adopted, several of these parcels have been entitled with specific development projects and have started construction. Redeveloping the subarea as a “transit village” or a Transit-Oriented Development has been a long-standing City goal. The WOSP vision for the 7th Street Opportunity Area includes higher-density housing around the core of the BART Station.

The Project proposes development of 222 units in an eight-story podium style building with a height of 85 feet in a 160-foot height area. The ground level has no residential uses and includes residential amenities, a leasing office, and parking within an enclosed garage. The residential units will rise above the podium in a seven-story tower with two-podium-level courtyards, providing separation in the building, and a roof deck on the eighth level. The residential units include a mix of studios, one-bedroom, and two-bedroom units.

The Project utilizes the State Density Bonus Law as implemented through the City’s Density Bonus Ordinance to increase the permitted density 30% by providing 9% of the base project affordable to very low-income households. Of the 222 residential units, 16 units will be very low-income restricted (up to 50 percent area median income).

B. LEGAL STANDARD

When analyzing whether the addendum or exemptions were appropriately issued, the City Council must determine whether the Planning Department’s action was supported by “substantial evidence.” (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 723.) “In determining the availability of a statutory exemption, ‘we review the administrative record to see that substantial evidence supports each element of the exemption. There must be substantial evidence that the activity is within the exempt category of projects. That evidence may be found in the information submitted in connection with the project, including at any hearings that the agency chooses to hold.’” (*Id.* at 724 (citing *Concerned Citizens of Dublin v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1311).)

As held in *Berkeley Hillside Preservation*, a reviewing body “after resolving all evidentiary conflicts in the agency’s favor and indulging in all legitimate and reasonable inferences to uphold the agency’s finding, must affirm that finding if there is any substantial evidence, contradicted or uncontradicted, to support it.” (*Berkeley Hillside Preservation v. City of Berkeley* (“*Berkeley Hillside*”) (2018) 60 Cal.4th 1086, 1114 (citing *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 571).) Anything otherwise would defeat the Legislature’s intent in having streamlining provisions or exemptions for certain classes of projects.

“In reviewing the City’s actions for compliance with CEQA, we ask whether the agency has prejudicially abused its discretion; such an abuse is established ‘if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.’” (*Covina Residents for Responsible Development*, 21 Cal.App.5th at 724 (citing Public Resources Code, Section 21168.5).) Appellant has the burden of proof “to demonstrate by citation to the record the existence of substantial evidence supporting a fair argument of significant environmental impact.” (*League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904.)

The CEQA Guidelines expressly define substantial evidence as follows: “Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (CEQA Guidelines, Section 15064(f)(5).)

When it comes to the adequacy of the environmental analysis itself, the question is whether the determination is supported by substantial evidence in light of the whole record.² Substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines, Section 15384(a).) CEQA does not require technical perfection, scientific certainty, or an exhaustive analysis of all potential issues or all information that is available on an issue. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.)

C. NO CEQA VIOLATION EXISTS – ADDENDUM AND EXEMPTIONS APPROPRIATE

Appellant has not produced substantial evidence that the Project will cause significant environmental impacts. Whereas, use of CEQA streamlining/tiering provisions was appropriate,

² “Any action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of noncompliance with the provisions of this division shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure. In any such action, the court shall not exercise its independent judgment on the evidence but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.” (Public Resources Code, Section 21168.)

is supported by substantial evidence in the record, and the Planning Commission did not abuse its discretion approving the Project.

**1. Project is Consistent with CEQA
 Addendum and Streamlining Exemptions**

Appellant’s Claim: “The City’s reliance on CEQA Addendum and Infill Streamlining Exemptions to approve the Project without preparing an EIR is misplaced.”

Where a public agency has prepared a program EIR, later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If an agency finds that pursuant to CEQA Guidelines Sections 15162 or 15168 no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. (See CEQA Guidelines Sections 15162, 15168.)

In this case, the CEQA Analysis relied upon previously adopted program EIRs, including the 1998 General Plan Land Use and Transportation Element, 2007-2014/2015-2023 Housing Element, and the WOSP. As to the latter, on July 15, 2014, the City of Oakland adopted the WOSP and certified the WOSP EIR. The purpose of the WOSP is to develop comprehensive, multi-faceted strategies for facilitating the development of selected vacant and/or underutilized commercial and industrial properties within the West Oakland community. The Project site is within the WOSP area. The Project is permitted in the zoning district in which it is located, and is consistent with the bulk, density, and land uses envisioned in the WOSP. Multi-family residential use is a principally permitted use in the underlying S-15W Zoning District.

In the WOSP area, the Project site is located in Subarea 2A of the 7th Street Opportunity Area and is one of several parcels identified as site #23. The Project is consistent with the plan policies for the 7th Street Opportunity Area, which contemplates higher-density housing, commercial office, and government/institutional office space around the core of the BART Station.

Development Characteristics	Buildout Analyzed	Cumulative Projects^a	Buildout Remaining	Proposed Project	Buildout Remaining After Project
Maximum Residential Units ^b	1,856 - 2,839	2,220 (78%) ^d	0 - 619 (22%)	222	0 - 397 (14%)

^aThe cumulative projects in the 7th Street Opportunity Area include 500 Kirkham (application approved), 532 Union Street (under construction), 1471 7th Street (application approved), and 801 Pine Street (application approved).
^b Includes units from mixed-use and residential development.
^d Percentages are based off maximum buildout of 2,839 residential units.
 Source: West Oakland Specific Plan EIR (2014) Table 3.-3 Development Buildout Assumptions, 7th Street Opportunity Areas, page 3-40. City of Oakland Major Projects List March (2020) and Urban Planning Partners (2020).

(CEQA Analysis, Table 2, p. 22-23; *see also*, WOSP EIR, 4-54.)

As shown in Table 2 above, the Project is within the remaining development buildout assumptions of the 7th Street Opportunity Area analyzed in the WOSP EIR. Accordingly, reliance upon the CEQA addendum and streamlining exemptions was appropriate and supported by substantial evidence in the record.

The WOSP EIR analyzed the impacts of development within the WOSP area. The Project, like several others previously approved in the 7th Street Opportunity Area – including 500 Kirkham Street, 532 Union Street, 1471 7th Street, and 801 Pine Street – will not cause new significant impacts not previously identified in the WOSP EIR and will not result in a substantial increase in the severity of previously identified significant impacts. Based on an examination of the analysis, findings, and conclusions of the WOSP EIR, the potential environmental impacts associated with the Project have been adequately analyzed and covered in the prior program EIR. Therefore, no further review or analysis under CEQA is required.

The Planning Commission appropriately determined, based on substantial evidence in the record, that none of the conditions requiring a subsequent or supplemental EIR pursuant CEQA Guidelines Sections 15162, 15168, or 15183.3 exist. The CEQA Analysis shows that the Project does not require major revisions to the previous program EIRs because it did not propose any changes to the density, land use policies, or character of the 7th Street Opportunity Area in the WOSP, or increase the impacts analyzed and disclosed in the program EIRs. (CEQA Analysis, Attachments B and D.) Appellant has failed to present substantial evidence that there are peculiar project-specific impacts more severe than previously analyzed such that it would prevent the application of these streamlining provisions. Accordingly, the addendum and the streamlining exemptions to the program EIRs were appropriate for the Project.

2. Standard Conditions of Approval and Existing Regulatory Framework Addresses Potential On-Site Hazards to Construction Workers and Future Residents

Appellant’s Claim: The CEQA Analysis did not adequately address existing soil and groundwater contamination onsite and “without proper agency consultation and cleanup to residential standard prior to construction, construction workers, nearby receptors, and future residents of the Project may be exposed to unhealthful levels of contamination released during the Project’s disturbance of contaminated soil or groundwater, or released from vapor intrusion during Project operation.”

Matthew Hageman from SWAPE, Appellant’s consultant, has raised a similar claim regarding health risks to construction workers and future residents due to disturbance of contaminated soil in other residential projects challenged in the past. The First District Court of Appeal, however, found the claim to be without merit. In *Parker Shattuck Neighbors v. Berkeley City Council*, the Court concluded that “the health risks to workers and residents identified by petitioners do not constitute ‘substantial adverse effects on human beings’ or otherwise create a fair argument that the disturbance of contaminated soils may have a significant effect on the environment.” (*Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768,

782.) In reaching this conclusion, the *Parker* court found “it is far from clear that adverse effects confined only to the people who build or reside in a project can ever suffice to render significant the effects of a physical change.” (*Id.*) In this case, the same reasoning applies and Appellant has not presented substantial evidence of a significant effect on the environment.

Moreover, Appellant fails to take into consideration that the WOSP EIR sufficiently analyzed the potential impacts of contaminated sites. Many of the sites within the WOSP area are contaminated and the WOSP EIR adequately analyzed impacts from such contaminated properties. The WOSP determined that state regulatory programs and the City’s Standard Conditions of Approval (“SCAs”) will reduce those impacts to a less than significant level.

With respect to the Property, the site was previously cleaned to residential standards prior to development of the senior housing project that was the victim of arson in 2012. Subsequent to the arson, the Property received a case closure for site cleanup.³ Going forward, the Project must comply with a variety of federal, state, and local regulatory requirements prior to commencing construction as set forth in SCA-HAZ-2, including those established by the Department of Toxic Substances Control (“DTSC”).

Site remediation will be overseen by the DTSC, which oversees cleanup of releases of hazardous substances pursuant to statutes, regulations, and related programs of general application, including: (1) California Health & Safety Code, Chapter 6.8 (the Hazardous Substances Account Act), which, among other things, calls for compliance with federal regulations in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300.400, *et seq.*); (2) California Health & Safety Code, Chapter 6.82 (the California Land Reuse and Revitalization Act of 2004); and (3) Programs managed by DTSC pursuant to its statutory authority, such as the Voluntary Cleanup Program. Following these authorities, DTSC’s oversight makes sure that risks to human health and the environment, including to the health of construction workers and future residents of the Project, are appropriately addressed.

The SCAs ensure that potential impacts are mitigated to a less than significant level. Appellant has failed to present substantial evidence that the disturbance of contaminated soil may have a significant effect on the environment. Complying with the SCAs and conditions of approval imposed, the Project will not have any peculiar impacts; the Planning Commission’s determination was supported by substantial evidence in the record and appropriate.

3. There are no Significant Air Impacts – Standard Conditions of Approval Substantially Reduce Construction- and Operational-Related Impacts to a Less-Than-Significant Level

Appellant’s Claim: “[B]ecause the City failed to conduct a project-specific analysis of emissions in the CEQA Analysis, its conclusions that ‘project construction related air impacts

³ May 10, 2017, Case Closure for Site Cleanup Program Case No. RO0002896 and GeoTracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607 attached as **Exhibit B**.

would be less than significant consistent with the findings of the WOSP EIR’ is not supported by any substantial evidence.”

The Statement of Overriding Considerations for the WOSP EIR, approved as Section XII of the CEQA Findings adopted by the City Council on July 15, 2014, via Resolution No. 85108 C.M.S., were incorporated by reference into the Project file for the record. The incorporated Statement of Overriding Considerations addresses the three areas of environmental effects of the WOSP that presented significant and unavoidable impacts. Accordingly, while it is possible that the Project may contribute to some significant and unavoidable impacts identified in the WOSP EIR pertaining to air impacts they have already been fully disclosed and addressed by the WOSP EIR and a Project-specific EIR is not warranted. Use of the four CEQA streamlining/tiering provisions and the Planning Commission’s finding that the Project would not result in new, significant, more severe, or peculiar air quality impacts with the implementation of SCAs was supported by substantial evidence in the record.

i. Construction-Related Impacts Less-Than-Significant With Best Available Control Technology Utilized

The WOSP analyzed the potential development build out of the plan area. The WOSP represents the overall development strategy for the area. Construction associated with the Project would not result in a more severe impact than what was previously disclosed in the WOSP EIR. Appellant has not presented substantial evidence that the Project would have peculiar or unusual construction-related impacts or impacts that are new or more significant than previously analyzed in the WOSP EIR. The WOSP EIR found “[c]urrent models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, *which do not correlate well with the temporary and highly variable nature of construction activities*. This results in difficulties with producing accurate estimates of increased health risk. The specificity of detail necessary to conduct a health risk assessment is not available at the Plan stage. . . . Notwithstanding this lack of detail, SCA A would implement construction-related Best Management Practices to substantially reduce construction-related impacts to a less-than-significant level.” (WOSP EIR, 4.2-40, emphasis added.)

There is nothing in the WOSP EIR indicating that a project-specific health risk assessment for construction-related impacts is required. The WOSP EIR indicates that “if all the following criteria are met, an individual construction project within the specific plan area would be unlikely to result in a significant impact from criteria air pollutant and precursor emissions:

- The project does not exceed the following sizes:
 - 114 single-family homes, **240 units in a mid-rise apartment**, or 252 units in a high-rise apartment or condo;
 - 277,000 square feet of commercial retail or office space;
 - 259,000 square feet or 540 employees within a light- or heavy- industrial building of industrial park.

- All basic construction mitigation measures would be included in the project design and implemented during construction pursuant to Supplemental SCA A; and
- Construction-related activities would not include any of the following: a) demolition; b) simultaneous occurrence of more than two construction phases; c) simultaneous construction of more than one land use type (not applicable to high density infill development); d) extensive site preparation for grading, cut/fill, or earth movement; or e) extensive materials transport”
(WOSP EIR, 4.2-39, emphasis added.)

In this case, the Project calls for 222 dwelling units in a mid-rise building. As set forth in SCA-AIR-2 and SCA-AIR-3, all off-road construction equipment is to be equipped with Best Available Control Technology and meet the California Air Resources Board’s most recent certification standard, Tier 4. Tier 4 engines are widely available. Given that there is widespread availability of Tier 4 equipment, it is reasonable to conclude that compliance with SCA-AIR-2 and SCA-AIR-3 will reduce construction-related impacts to a less-than-significant level. Further, due to the prior development of the senior housing project that was destroyed by arson, none of the construction-related activities enumerated above will arise such that there would be an indication of a significant impact from criteria air pollutant and precursor emissions.

Further, the CEQA Guidelines do not require a local agency prepare a health risk assessment. The Project’s proximity to sensitive receptors is typical of other projects in the WOSP area generally and the 7th Street Opportunity Area specifically, including 500 Kirkham Street, 532 Union Street, 1471 7th Street, and 801 Pine Street. There is nothing unique or peculiar about the Project’s proximity to sensitive receptors.

**ii. Operational-Related Impacts Less-Than-Significant
as Previously Analyzed in the West Oakland Specific Plan**

The WOSP EIR analyzed whether specific anticipated projects would have operational-related emission impacts. The WOSP EIR found that “an individual subsequent project pursuant to the Specific Plan would be unlikely to result in a significant impact due to the generation of criteria air pollutants and ozone precursor emissions if the subsequent project does not exceed the following sizes:

- 325 single-family homes, **494 units in a mid-rise apartment**, or 510 units in a high-rise apartment or condo;
- Between 42,000 and 100,000 square feet of retail commercial space;
- 346,000 square feet of general office space; or
- 540,000 square feet or 1,250 employees within a light-industrial building.”
(WOSP Draft EIR, 4.2-42, emphasis added.)

With 222 dwelling units proposed in a mid-rise residential building, the Project does not exceed any of the thresholds identified in the WOSP. Accordingly, the Project would not result in a more severe impact than what was analyzed and disclosed in the WOSP EIR.

As a result, the Project's construction- and operational-related health risks have been adequately addressed by the planning-level review and the Project's conditions of approval, and the Planning Commission's action approving the Project was appropriate.

**iii. Health Risk Thresholds Not Exceeded
from Diesel-Powered Emergency Generator**

Appellant's Claim: Inclusion of a diesel-powered emergency generator was not adequately analyzed and that SCA-AIR-5's requirement that the Project use a diesel generator with an EPA-certified Tier 4 engine, if feasible "does not constitute a mandatory mitigation measure."

Appellant's claims regarding the Project's potential inclusion of a diesel-powered emergency generator are misplaced. While it is true that SCA-AIR-5 includes a provision for preparation of a Health Risk Assessment, SCA-AIR-5 sets forth several alternatives that may be pursued to satisfy the condition. SCA-AIR-5 may be satisfied by including use of a diesel generator with an EPA-certified Tier 4 engine, if feasible. As mentioned above, Tier 4 engines are commonplace and it is reasonable to conclude that use of such an engine is likely feasible. The requirements imposed by SCA-AIR-5 encompass those set forth in the WOSP EIR mitigation measure AIR-9. As such, the Project is consistent with the WOSP.

4. Greenhouse Gas Emissions Are Less-Than-Significant

Appellant's Claim: "An EIR must be prepared to include an adequate evaluation and mitigation of the proposed Project's GHG emissions to ensure that impacts are reduced to a less than significant level."

Appellant has not presented substantial evidence that the Project's greenhouse gas emissions will result in a significant impact. Contrary to Appellant's assertion that the analysis "fails to estimate and evaluate the proposed Project's GHG emissions based on quantitative thresholds" (Appeal Letter, p. 26), the CEQA Analysis analyzes the Project's anticipated GHG emissions from operation of the Project. (CEQA Analysis 57-59.) The CEQA Analysis concluded that the threshold of significance for GHG emission is not exceeded by the Project. (*Id.*)

Compliance with the conditions of approval imposed on the Project, including the Green Building Requirements, as well as the requirements of Title 24 of the California Building Code, i.e., the Green Building Standards Code, ensures the analysis performed is accurate and that an EIR is not warranted.

The Project site is within a Priority Development Area designated by the Plan Bay Area, which is the Sustainable Communities Strategy adopted for the purpose of achieving the GHG reduction target established by the California Air Resources Board for the region's transportation and land use sector. The Project's density is higher than the minimum recommendation in the Plan Bay Area and therefore would further, not conflict with, Plan Bay Area's GHG reduction targets.

Because the Project is in a Priority Development Area and meets the requirements of a transit priority project, mobile sources do not need to be included in the GHG assessment. The CEQA Analysis of GHG calculations was accurate and correct. Appellant has not presented substantial evidence otherwise.

The CEQA Analysis adequately analyzed the GHG emissions and impact from the Project and concluded based on that analysis that GHG emissions from the Project “would be less than significant and within the scope of impacts identified in the WOSP EIR.” (CEQA Analysis, p. 60.) In this case, the Planning Commission appropriately relied upon the specific plan’s GHG emission evaluation in approving the Project.

5. No Deferred Mitigation of Noise and Vibration

Appellant’s Claim: “CEQA prohibits deferring identification of mitigation measures when there is uncertainty about the efficacy of those measures The [Project’s] proposed measures thus violate CEQA by failing to show not only how they will achieve reduction below the threshold of significance, but what is the level of reduction they set to achieve.”

The CEQA Analysis studied noise and vibration impacts during construction, and the Project approvals include multiple SCAs to address construction impacts. The Project included 18 Conditions of Approval and is required to comply with the City’s SCAs. As addressed by Commissioner Monchamp during the Planning Commission hearing, the City’s SCAs do not defer mitigation measures. (Planning Commission Hearing, 1:07:20; available at: http://oakland.granicus.com/player/clip/4103?publish_id=9cf16867-8033-11eb-96cb-0050569183fa&redirect=true.)

The Project will submit a Construction Noise Management Plan and Vibration Reduction Plan per the City’s SCAs and adhere to local and state regulations pertaining to noise and vibration. Doing such, the Project will not have a significant noise or vibration impact.

The Construction Noise Management Plan, as set forth in SCA-NOI-3, will include noise attenuation measures to mitigate impacts. The SCAs’ mitigation measures will occur during the Project’s various phases of construction. Such attenuation measures include: erecting plywood noise barriers around the construction site, utilize noise control blankets on the building structure as the building is erected to reduce noise emissions from the site, and monitoring of the effectiveness of such measures by taking noise measurements. Implementing these and other measures will reduce noise impacts to within the noise limit or ambient noise level typical for the site during Project construction.

The Vibration Reduction Plan, as set forth in SCA-NOI-7, will include vibration reduction measures prepared by a technical expert prior to construction to reduce groundborne vibration to acceptable levels.

The SCAs and conditions of approval for the Project adequately address noise and vibration from the Project. The potential for harm or impact has been evaluated, and the Planning Commission acted within its legal authority based on substantial evidence before it approved the Project.

6. The Project’s Density is Consistent with Underlying Zoning, Within the West Oakland Specific Plan’s Anticipated Growth, and There was No Abuse of Discretion in Approving CEQA Findings

Appellant’s Claim: “The City’s reliance on anticipated density bonus approvals to claim that the Project is currently ‘consistent’ with existing zoning and land use plans in order to claim an exemption from CEQA is unsupported and contrary to CEQA.”⁴

As set forth in the City’s Housing Element “[t]he City adopted a revised density bonus ordinance in June 2014 with the intent of permitting projects to exceed the maximum allowable density set by zoning, if they include units set aside for occupancy by very low, low and moderate income households and seniors.” (2015-2023 Housing Element, p. 41.) The use of the State Density Bonus Law is consistent with Housing Element Policy 2.3: “Continue to refine and implement programs to permit projects to exceed the maximum allowable density set by zoning, if they include units set aside for occupancy by very low-, low-, and moderate-income households and/or seniors.” (*Id.* at p. 304) In this case, the Project sets aside 9% of the base project for occupancy by very low-income households utilizing the State Density Bonus Law. State Density Bonus projects are compliant with local zoning.

Moreover, the Project’s density is consistent with the anticipated growth analyzed in the WOSP EIR for the 7th Street Opportunity Area, which anticipated up to 2,839 new residential units. (WOSP EIR, 4-55.) The number of residential units proposed by the Project is within the range of the buildout remaining for the 7th Street Opportunity Area. (CEQA Analysis, Table 2, p. 22-23.) Any potential environmental impacts associated with the Project’s density were adequately analyzed and addressed in the WOSP EIR.

As detailed in the staff report and motion acted upon by the Planning Commission on March 3, 2021, the Project is consistent with the Community Commercial land use designation and the adopted WOSP. The findings made by the Planning Commission in approving the Project were legally adequate and within the authority of the Planning Commission.

7. There are no Project-Specific Impacts Peculiar from Those Previously Analyzed Precluding Use of a Community Plan Exemption

Appellant’s Claim: “The Community Plan exemption does not apply to the Project because neither the WOSP EIR, nor any of the other planning documents relied on in the CEQA Analysis,

⁴ While Appellant’s claim that the “Project exceeds applicable WOSP zoning, density and height requirements” (Appeal Letter, p. 29), the Project’s height at 85 feet is code-compliant. The Property is located within a 160-foot height area.

actually quantified project-level health risks . . . The absence of any previous project-specific analysis renders the City’s determination that SCAs would mitigate the impact unsupported.”

The CEQA Guidelines mandate streamlined environmental review of projects that are consistent with the densities established by existing zoning, community plan, or general plan policies with a certified EIR, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. (CEQA Guidelines, Section 15183(a).) The examination of environmental effects is limited to those effects that:

1. “Are peculiar to the project of the parcel on which the project would be located,
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”
(CEQA Guidelines, Section 15183(b).)

In this case, there are no impacts peculiar to the Project. “An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effects.” (CEQA Guidelines, Section 15183(f).)

The CEQA Analysis includes a detailed analysis how the Project is consistent with the WOSP EIR and found “there are no peculiar aspects, other than those evaluated herein, that would increase the severity of any of the previously identified significant cumulative effects in the WOSP EIR.” (CEQA Analysis, C-3.) Thus, further CEQA review is not required for the Project.

Appellant presents no evidence to support its claim that Project-specific impacts would result because the “site is highly contaminated” that would not be reduced to a less-than-significant level from the SCAs or how the alleged site contamination is peculiar to the Project or the site, or how they were not analyzed in the program-level EIRs. Numerous sites within the WOSP are contaminated and the WOSP EIR adequately analyzed impacts from contaminated sites. Further, Appellant presents no evidence how the SCAs that are uniformly applied development policies fail to address the alleged impacts for site contamination, which as discussed in Section C.2 above adequately address the site’s potential unmitigated on-site hazards.

The Project is entirely within the assumptions analyzed in the WOSP EIR and there is substantial evidence in the record relied upon by the Planning Commission in approving the

Project. The Project is within the analyzed density for not only the WOSP but also specifically the 7th Street Opportunity Area. The Project's impacts are not peculiar or more significant than previously analyzed and use of the community plan exemption is permissible.

8. The Project is Consistent with the General Plan and West Oakland Specific Plan and Required Subdivision Map Act Findings Exist

Appellant's Claim: "The City cannot make the findings required under the Subdivision Map Act to approve the Project's tentative or final parcel map."

"An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. . . . It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan." (*Covina Residents for Responsible Development*, 21 Cal.App.5th at 732.) As discussed above, the Project advances the objectives and policies of the WOSP and the residential use is compatible with the general land uses of the specific plan.

Appellant correctly acknowledges that the Subdivision Map Act requires "findings that the proposed subdivision map, together with the provisions for its design and improvement, is consistent with the general plan and any specific plan." However, they incorrectly conclude that the requisite findings cannot be established because of "significant, unmitigated impacts on air quality, public health, and from hazardous materials and GHG" and because the Project exceeds the allowable residential density. As described in detail above, there are not unmitigated impacts and with use of the State Density Bonus Law the Project is consistent with the WOSP. Accordingly, the Planning Commission properly made the requisite findings for approval of the Project's parcel maps.

D. CONCLUSION

The record, including the CEQA Analysis, geological reports, soils reports, WOSP EIR, General Plan, Land Use and Transportation Element EIR and Housing Element, constitutes substantial evidence relied upon by the Planning Commission in unanimously approving the Project. There is substantial evidence in the record supporting the conclusions of the City's consultant that there are four CEQA streamlining/tiering provisions independently applicable. The Appellant has not provided evidence of Project specific conditions preventing their application. The City's determination that further environmental review, including an EIR, was not required was based on four separate and independent CEQA streamlining/tiering provisions.

Peterson Z. Vollman
Oakland Planning & Building Department
August 10, 2021
Page 14 of 14

Based on the above, and on the thorough and extensive record before you, we respectfully request that you deny the appeal and uphold the Planning Commission's unanimous determination approving the Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosures:

Exhibit A – March 4, 2021, Decision Letter and March 3, 2021, Staff Report
Exhibit B – May 10, 2017, Alameda County Health Care Services Agency Case Closure Letter

cc: Michaels Organization (via email, scooper@tmo.com)
Michael Branson, City Attorney (via email, mbranson@oaklandcityattorney.org)

EXHIBIT A

CITY OF OAKLAND



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

Planning and Building Department
Bureau of Planning

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

March 4, 2021

Scott Cooper / The Michaels Organization
1045 Bridle Way
Hillsborough, CA 94010

RE: Case File No. PLN20-101, 1396 5th Street (004-0069-004-00)

Dear Mr. Cooper-

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **March 3, 2021**. The Commission's action is indicated below.

(X) Granted with required Conditions. (Vote: +7, -0)

If you, or any interested party, seeks to challenge this decision before City Council, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 pm on 3/15/21**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) **Peterson Vollmann, Planner IV**, at pvollmann@oaklandca.gov, (2) **Robert Merkamp, Zoning Manager**, at Rmerkamp@oaklandca.gov, and (3) Catherine Payne, Development Planning Manager, at Cpayne@oaklandca.gov. The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of **\$2685.15** in accordance with the City of Oakland Master Fee Schedule must be paid within five business days of filing the appeal. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter. For further information, see the attached Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Commission Decisions for Development Projects.

If an Environmental Impact Report (EIR), Supplemental EIR, Addendum, Negative Declaration or Mitigated Negative Declaration was prepared and adopted/certified for the project and if the ten (10) day appeal period expires without an appeal, you are expected to contact **Peterson Vollmann** in order to receive the signed Notice of Determination (NOD). You **must** record a Notice of Determination (NOD) and the Environmental Declaration with the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, within five (5) business days of the closure of the appeal period. To

record these documents, please take the original NOD related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Bureau of Planning, to the attention of **Peterson Vollmann, Planner IV**. Pursuant to Sections 15075(g) and 15094(g) of the CEQA Guidelines, recordation of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Peterson Vollmann** at (510) **238-6167** or **pvollmann@oaklandca.gov**.

Very Truly Yours,



CATHERINE PAYNE
Acting Development Planning Manager

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals
- C. SCA/MMRP from 1396 5th Street CEQA Analysis

ATTACHMENT A

FINDINGS FOR APPROVAL

This proposal meets all the required Design Review Criteria (Sections 17.136.050) and Conditional Use Permit Criteria (Sections 17.134.050 & 17.97.025) as set forth below and which are required to approve the application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons the proposal satisfies them are shown in normal type. (Note: The Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record).

17.136.050(A) - RESIDENTIAL DESIGN REVIEW CRITERIA:

- 1. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

The proposed project is located within the West Oakland Specific Plan (WOSP) 7th Street opportunity area, which has the intent of creating a dense transit-oriented development area that takes advantage of the close proximity to the West Oakland BART station. The proposed building would be consistent with other recently approved buildings within the opportunity area of the specific plan area with regard to bulk, height, materials and textures. The proposal will be built out to the street frontage property lines to establish a street wall in the area and will back up against the BART aerial structure which will help with sound attenuation for the residential neighborhood to the south. The building will contain a tall ground floor with a large amount of transparency to internal active uses that will help to enhance the pedestrian environment of the area. The height of the building will be within the allowed 160-foot height limit at 85 feet and will contain southern facing courtyards that will help to break down the visual bulk of the building. The proposal will incorporate stucco of varying color schemes with raised trim bands to add architectural detail and will also include a wood composite horizontal siding to provide contrast and a modern reflection of the wood siding of older homes in the area.

- 2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed design will enhance the desirable neighborhood characteristics by redeveloping the site with a new high-density residential building that creates an active ground floor at the pedestrian level, as envisioned in the WOSP. The proposal will also provide for a dense residential environment in close proximity to the West Oakland BART station to enhance the area as a transit village.

3. The proposed design will be sensitive to the topography and landscape.

The project site is flat and void of any landscaping.

4. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The project site is not located on a hill.

5. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The site is located within the Community Commercial land use classification of the Land Use and Transportation Element (LUTE) of the general Plan and within the West Oakland Specific Plan Area. The proposed development is consistent with the Design Guidelines set forth in the WOSP as well as the City’s Corridor Design Guidelines.

The Project is consistent with the following LUTE and Specific Plan goals and policies:

Policy T2.2 – Guiding Transit Oriented Development – Transit Oriented Development should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N8.1 – Developing Transit Villages – “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART Stations or other well-used or high-volume transit facilities, such as light rail, train, ferry stations or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

Intent: Implement the City’s long-term vision for a Transit-Oriented Development (TOD) project at the West Oakland BART station, in the area generally coinciding with the boundaries of the City’s existing S-15 Transit Oriented Development Zone.

7th Street TOD Env-2: The new buildings envisioned to surround the West Oakland BART station as part of the TOD project are expected to provide a noticeable and significant noise buffer between portions of both the freeway and the BART tracks, and existing residential

neighborhoods. The noise attenuation benefits from the proposed new buildings should be fully considered in final designs for these structures.

The Project is consistent/conforms with the above-mentioned goals and policies by creating a new high density residential development located within the 7th Street opportunity area of the specific plan in close proximity to the West Oakland BART Station across the street. The proposal includes a number of active residential amenity spaces along Mandela Parkway and 5th Street to enhance the pedestrian environment along with streetscape improvements, which contain adequate ceiling height and depth so that the spaces could potentially be converted to commercial uses in the future. The building will also abut the existing BART aerial structure which will provide a level of noise buffering for the residential neighborhood to the south.

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:

- 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The location, size, design and operating characteristics of the proposed Project will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood. The proposed project is consistent with scale, bulk, coverage and density requirements of the General Plan and applicable zoning regulations, and proposed height, scale and bulk of the building is compatible with similar structures constructed and recently approved in the immediate vicinity of the Project site within the 7th Street Opportunity area of the WOSP. The WOSP EIR outlined the potential traffic impacts within the area through the anticipated growth through the adopted plan, mitigations for improvements to intersections throughout the area were included, and each project is required to pay a fair share traffic impact fee that will go towards these future improvements to address traffic concerns.

- 2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposal will provide for a functional living environment that will be of a high-quality design located in an area planned for development of the kind proposed by the Project in very close proximity to the West Oakland BART Station as part of creating a transit village as envisioned in the WOSP.

- 3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The development proposed by the Project will help to fulfill the vision of the WOSP by developing a high-density residential development with an active ground floor along 5th Street to add to the pedestrian vibrancy of the area and help to establish the transit village around the West Oakland BART Station as envisioned by the specific plan. The project will also add needed housing stock for the City including the incorporated below market rate units.

- 4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

The proposed Project does conform to all applicable design review criteria, as described in the Residential Design Review Criteria findings above, which are hereby incorporated by reference.

- 5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The Project is consistent with the goals and policies of the Oakland General Plan, including the WOSP, and with all applicable zoning controls, as indicated in the Findings in Sections 17.136.050 above, hereby incorporated by reference.

SECTION 17.97.025 – S-15 ZONE CONDITIONAL USE PERMIT CRITERIA

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;**

The proposed project is located within the West Oakland Specific Plan (WOSP) 7th Street opportunity area, which has the intent of creating a dense transit-oriented development area that takes advantage of the close proximity to the West Oakland BART station. The proposed building would redevelop an existing vacant lot and would be consistent with other recently approved buildings within the opportunity area. The proposed design includes quality exterior finishes and appropriately breaks down the massing of the building by incorporating upper-level courtyards and building recesses. The project will also establish a ground floor that includes a visual presence onto the street and when combined with the proposed improvements to the right of way will create a desirable pedestrian environment that will enhance the area.

- B. That the proposal will encourage an appropriate mixture of Residential and/or Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;**

The project is a high-density residential development that includes an active ground floor by incorporating tenant amenities that will be visually present from the right of way and could potentially be converted into commercial space in the future should the

demand arise. The project is in direct proximity to the West Oakland BART Station and 7th Street which will promote the use of public transportation.

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

The proposal will include improvements to the public right of way that will install and widen sidewalks that will enhance the pedestrian environment of the area and will also contain ground floor facilities that will provide an active presence onto the street.

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way;

The proposal includes one driveway access point on Kirkham Street, which is the least prominent frontage of the site and would not be considered a principal commercial street.

2. That every reasonable effort has been made to share means of vehicular access with abutting properties;

No other properties are directly abutting the site, as the site fronts on the three adjacent streets and the site to the north on 7th Street is bisected by the BART aerial structure.

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Subsection 17.110.040.B.

The parking garage will be enclosed and located behind other ground floor uses that will screen the garage from the public view.

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

The parking provided will not be in excess of what is required by Code.

F. In addition to the foregoing criteria and any other applicable requirements, Automotive Fee Parking within this zone shall be subject to the following use permit criteria:

The proposal does not include Automotive Fee Parking.

16.08.030 - TENTATIVE MAP FINDINGS (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act))

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.

The proposal is consistent with the Community Commercial General Plan designation and with the WOSP by creating a high-density residential development in close proximity to the West Oakland BART Station as part of the envisioned transit village. See additional General Plan Conformity findings above.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposal is consistent with the Community Commercial General Plan designation and with the WOSP by creating a high-density residential development in close proximity to the West Oakland BART Station as part of the envisioned transit village. See additional General Plan Conformity findings above.

C. That the site is not physically suitable for the type of development.

The site is suitable for the proposed development as it is located close to public utilities, transit, and other civic facilities, and fulfills the vision for the area as set forth in the WOSP.

D. That the site is not physically suitable for the proposed density of development.

The proposed density is consistent with the General Plan and Specific Plan density envisioned for the area.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This site has been previously developed and does not contain any wildlife habitat or waterways.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

There would be no adverse health effects. This is high-density residential development located within a mixed use area and it will introduce no new use classifications that are incompatible with the surrounding neighborhood.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to

determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)

There are no easements on this property at present to allow the public access to anything.

H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision

The project could be set up for solar panels on the rooftop.

SECTION 16.24.040 – LOT DESIGN STANDARDS

A. No lot shall be created without frontage on a public street, except lots created in conjunction with approved private access easements.

The merged lot will contain frontage on three public streets.

B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

The side lot lines will generally run at right angles from the street frontages.

C. All applicable requirements of the zoning regulations shall be met.

The proposal will comply with the zoning regulations of the S-15 (W) Zone as outlined in this staff report, and the new merged lot will combine a number of smaller lots into one larger parcel that will comply with the minimum lot size for the zone that it is located within.

D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area.

The merged lot will be larger than the smaller lots that currently exist and will be consistent with the lot sizes in the vicinity.

E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

The site is previously developed and no such features exist.

CEQA COMPLIANCE FINDINGS

I. Introduction. These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the City Planning Commission in connection with the environmental analysis of the effects of implementation

of the 1396 5th Street project, as more fully described elsewhere in this Staff Report and City Of Oakland (“City”)-prepared CEQA Analysis document entitled “1396 5th Street Project CEQA Analysis” dated February 2021 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

An evaluation of the Project is provided in the CEQA Checklist of the CEQA Analysis incorporated by reference to this staff report. The CEQA Analysis concludes that the Project qualifies for an addendum as well as an exemption from additional environmental review. It is consistent with the development density and land use characteristics established by the City of Oakland General Plan, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the WOSP EIR.

The Project would be required to comply with the applicable mitigation measures and City of Oakland SCAs identified in the WOSP EIR and presented in Attachment A to the CEQA Analysis. With implementation of the applicable mitigation measures and SCAs, the Project would not result in a substantial increase in the severity of previously identified significant impacts in the WOSP EIR or result in any new significant impacts that were not previously identified.

In accordance with California Public Resources Code Sections 21083.3, and 21166; and CEQA

Guidelines Sections 15162, 15164, 15168, 15182, 15183, and 15183.3, and as set forth in the CEQA Analysis and Checklist attached to this report, the Project qualifies for an addendum and one or more exemptions because the following findings can be made:

II. CEQA Analysis Findings.

A. Addendum. The WOSP EIR analyzed the impacts of development within the WOSP. The Project would not result in substantial changes or involve new information not already analyzed in the WOSP EIR because the level of development now proposed for the site is within the broader development assumptions analyzed in the WOSP EIR. The Project would not cause new significant impacts not previously identified in the WOSP EIR or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the WOSP that would cause significant environmental impacts to which the Project would contribute considerably, and no new information has been put forward that shows that the Project would cause significant environmental impacts. Therefore, no supplemental environmental review is required in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 through 15164.

B. Specific Plan Exemption. The Project meets the eligibility guidelines and is a qualifying mixed-use project located within a priority transit area and is consistent with the

development density established by the WOSP and analyzed in the certified WOSP EIR. As such, no further analysis of the environmental effects of the Project is required in accordance with Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182.

C. Community Plan Exemption. The Project would not result in significant impacts that (1) are peculiar to the Project or project site; (2) were not previously identified as significant Project level,

cumulative, or offsite effects in the WOSP EIR; or (3) were previously identified as significant effects, but as a result of substantial new information not known at the time the WOSP EIR was prepared, would increase in severity beyond that described in the EIR. Therefore, the Project would meet the criteria to be exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

D. Qualified In-fill Exemption. The CEQA Analysis contains in Attachment D a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The Project would not result in significant impacts that (1) are peculiar to the Project or project site; (2) were not previously identified as significant Project level, cumulative, or offsite effects in the WOSP EIR; or (3) were previously identified as significant effects, but as a result of substantial new information not known at the time the WOSP EIR was prepared, would increase in severity beyond that described in the EIR. Therefore, the Project would meet the criteria to be exempt from further environmental review in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.

III. Conclusion. Overall, based on an examination of the analysis, findings, and conclusions of the WOSP EIR, which are summarized in the CEQA Checklist, the potential environmental impacts associated with the Project have been adequately analyzed and covered in the WOSP EIR. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.

III. Severability: The City finds that all four CEQA provisions discussed and determined to be applicable in Section II above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

IV. Incorporation by Reference of Statement of Overriding Considerations: The WOSP EIR identified three areas of environmental effects of the WOSP that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the WOSP EIR identified above, but a Subsequent and/or

Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the for the WOSP EIR, approved as Section XII of the CEQA Findings adopted by the City Council on July 15, 2014, via Resolution No. 85108 C.M.S, are all hereby incorporated by reference as if fully set forth herein.

ATTACHMENT B

CONDITIONS OF APPROVAL

STANDARD ADMINISTRATIVE CONDITIONS:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **dated January 1, 2021**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim,

judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b. Within ten (10) calendar days of the serving of any Action as specified in subsection (a) above on the City, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

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

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

11. Public Improvements

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

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a

sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

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

14. Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP)

- a. All mitigation measures identified in the 1396 5th Street CEQA Analysis Document are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 1396 5th Street CEQA Analysis Document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 1396 5th Street CEQA Analysis Document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 1396 5th Street CEQA Analysis Document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe

and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

STANDARD CONDITIONS OF APPROVAL - OTHER STANDARD CONDITIONS:

15. Public Art for Private Development

Requirement: The project is subject to the City’s Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. (“Ordinance”). The public art contribution requirements are equivalent to one-half percent (0.5%) for the “residential” building development costs, and one percent (1.0%) for the “non-residential” building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

Proof of installation of artwork, or other alternative requirement, is required prior to the City’s issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

16. Affordable Residential Rental Units - Agreement and Monitoring

Requirement #1: Pursuant to Section 17.107 of the Oakland Planning Code and the State Density Bonus Law California Government Code Section 65915 et seq. (“State Density Bonus Law”), the proposed project shall provide a minimum of 16 target dwelling units available at very low income (as 9% of the baseline project units) for receiving a density bonus, concession and/or waiver of development standards.

Requirement #2: The approved residential affordable units that are part of this approval shall remain and continue to be affordable at the specified level in accordance with California Health and Safety Code Section 50053 and its implementing regulations for a

term of not less than 55 years or a longer period of time if required by the construction or mortgage finance assistance program, mortgage insurance program, or rental subsidy program. This Condition of Approval must also be in compliance with Section 65915(c)(1) of the State Density Bonus Law specifically, as well as all other applicable provisions of the State Density Bonus Law.

Requirement #3: Prior to submittal of a construction-related permit, the applicant shall contact the Housing and Community Development Department (Housing Development Services Division) to enter into a Regulatory Agreement based on the City's model documents, as may be amended from time to time, governing the target dwelling units. The Agreement shall contain restrictive covenants to ensure the continued affordability of the target dwelling units at the specified rent levels for a period of not less than fifty-five (55) years pursuant Section 65915 (c)(1) of the State Density Bonus Law, and restrict the occupancy of those units only to residents who satisfy the affordability requirement as approved for this project. Only households meeting the eligibility standards for the target dwelling units shall be eligible to occupy the target dwelling units.

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

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

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

Requirement #5: The floor area, number of bedrooms, and amenities (such as fixtures, appliances, location and utilities) of the affordable units shall be substantially equal in size and quality to those of the market rate units. Further, the proportion of unit types (i.e. three-bedroom and four-bedroom, etc.) of the affordable units shall be roughly the same as the project's market rate units.

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

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

Requirement #8: Applicant shall comply with the requirements of Section 65915(c)(3)(A) of the State Density Bonus Law requiring, without limitation, replacement units in those

circumstances where the parcel subject to the density bonus requests contains or contained affordable units within the last five years.

Requirement #9: Applicants shall comply with all applicable provisions of State Density Bonus Law and all provisions of the City’s density bonus law that are not preempted by state law.

Requirement #10: Affordable units shall be constructed concurrent with the construction of the market rate units in each phase of the project.

Requirement #11: The City will not issue final certificates of occupancy for more than fifty percent (50%) of the market rate units in any phase of development until final certificates of occupancy are issued for all of the affordable units in that phase.

When Required: First Construction-Related Permit Application and Ongoing

Initial Approval: Housing and Community Development Department – Housing Development Services Division

Ongoing Monitoring/Inspections: Housing Development Services Division

PROJECT SPECIFIC CONDITIONS:

17. Exterior Finishes

Requirement: The final building permit plan set shall contain detailed information on all proposed exterior finishes for city approval. If requested by the Bureau of Planning sample materials shall be submitted and are subject to final approval by the Zoning Manager.

When Required: Prior to issuance of a Building Permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

18. Miscellaneous Transportation Improvement Measures

Requirement #1: Stripe “KEEP CLEAR” on southbound Kirkham Street at the project garage driveway to minimize queues blocking the project driveway.

Requirement #2: Install no stopping anytime signage on the west side of Kirkham to discourage pick-ups and drop-offs.

Requirement #3: Install directional curb ramps with truncated domes at the southeast corner of the 5th Street/Mandela Parkway intersection.

Requirement #4: Align the proposed directional curb ramp at the northeast corner of the 5th Street/ Mandela Parkway intersection with the directional curb ramp at the northwest corner of the intersection planned by the West Oakland BART Station TOD project to provide the shortest possible crossing distance of Mandela Parkway.

Requirement #5: Align the proposed directional curb ramp at the northwest corner of the 5th Street/Kirkham Street intersection with the directional curb ramp at the northeast corner of the intersection planned by the 500 Kirkham project to provide the shortest possible crossing distance of Kirkham Street.

Requirement #6: Coordinate with the City of Oakland to implement the following for the 12 new parking spaces along the project frontage on 5th Street:

- Designate at least one parking space as passenger loading spaces (white curb) along the project frontage on 5th Street just east of Mandela Parkway to accommodate drop offs and pick-ups by private vehicle and transportation network company (TNC) vehicles.
- Designate the remaining parking spaces along the project frontage on 5th Street as metered and/or time-restricted parking to prevent BART riders from parking along the project frontage for long period.

When Required: Measures shall be submitted as part of the p-job application

Initial Approval: Bureau of Planning/DOT

Monitoring/Inspection: Bureau of Building/DOT

ATTACHMENT C

~~ATTACHMENT A: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM~~

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 1396 5th Street Project (project).

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists the City’s Standard Conditions of Approval (“SCA”) identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. The SCA number that corresponds to the City’s master SCA list is provided at the end of the SCA title — e.g., SCA-AIR-1: *Dust Controls – Construction-Related (#20)*. It is noted that no mitigation measures beyond the SCAs are required for this project. Mitigation measures (MM) identified in the WOSP EIR are now included in the city’s SCA’s such as Mitigation Measure Air-9B (SCA #24), Mitigation Measure Air-9C (SCA #24 and SCA #26), and Mitigation Measure Air-10 (SCA #23) and are functionally equivalent to mitigation measures.

All SCAs identified in the CEQA Analysis which are consistent with the measures and conditions presented in the WOSP EIR, are included herein. To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column identifies the SCA and MM applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the project.
- The third column names the party responsible for monitoring the required action for the project.

The project sponsor is responsible for compliance with any recommendations in approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein 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. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Standard Conditions of Approval/ Mitigation Measures			
General			
SCA-GEN-1: Compliance with Other Requirements (#3) The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.	N/A	N/A	N/A
SCA-GEN-2: Regulatory Permits and Authorizations from Other Agencies (#15) The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.	Prior to activity requiring permit/ authorization from regulatory agency	Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning	Applicable regulatory agency with jurisdiction
Aesthetics, Shadow and Wind			
SCA-AES-1: Trash and Blight Removal (#16) The project applicant and his/her successors shall maintain the property free of blight, as defined in Chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.	Ongoing	N/A	Bureau of Building
SCA-AES-2: Graffiti Control (#17) a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:	Ongoing	N/A	Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 			
<p>SCA-AES-3: Landscape Plan (#18)</p> <p>a. <i>Landscape Plan Required</i></p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of Chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.</p> <p>b. <i>Landscape Installation</i></p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. Prior to building permit final c. Prior to approval of construction-related permit 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Planning c. N/A 	<ul style="list-style-type: none"> a. N/A b. Bureau of Building c. Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. <i>Landscape Maintenance</i> All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p> <p>SCA-AES-4: Lighting (#19) Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final	N/A	Bureau of Building
Air Quality			
<p>SCA-AIR-1: Dust Controls - Construction Related (#20) The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <p>a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</p> <p>b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>d. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</p> <p>f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>Enhanced Controls: All “Basic” controls listed above plus the following controls if the project involves:</p> <ul style="list-style-type: none"> • Extensive site preparation (i.e., the construction site is four acres or more in size); or • Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export). <p>h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.</p> <p>k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City’s Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p> <p>l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p>			

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-AIR-2: Criteria Air Pollutant Controls – Construction-Related (#21) The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”). c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met. 	<p>Basic Controls: During construction</p> <p>Enhanced Controls: Prior to issuance of a construction-related permit</p>	<p>Basic Controls: N/A</p> <p>Enhanced Controls: Bureau of Planning</p>	<p>Basic Controls: Bureau of Building</p> <p>Enhanced Controls: Bureau of Planning</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Enhanced Controls for projects exceeding CEQA thresholds for construction activity:</p> <p><i>g. Criteria Air Pollutant Reduction Measures</i> The project applicant shall retain a qualified air quality consultant to identify criteria air pollutant reduction measures to reduce the project's average daily emissions below 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</p> <p><i>h. Construction Emissions Minimization Plan</i> The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p> <p>SCA-AIR-3: Diesel Particulate Matter Controls-Construction Related (#22) <i>a. Diesel Particulate Matter Reduction Measures</i> The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:</p>			
	<p>a. Prior to issuance of a construction related permit (i), during construction (ii)</p>	<p>a. Bureau of Planning b. Bureau of Planning</p>	<p>a. Bureau of Building b. Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>or</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p> <p>b. <i>Construction Emissions Minimization Plan</i> (if required by a above) The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type,</p>	<p>b. Prior to issuance of a construction related permit</p>		

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p> <p>SCA-AIR-4: Exposure to Air Pollution (Toxic Air Contaminants) (#23) a. <i>Health Risk Reduction Measures</i></p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> ▪ Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project 	<p>a. Prior to approval of construction-related permit</p> <p>b. Ongoing</p>	<p>a. Bureau of Planning</p> <p>b. N/A</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required.</p> <ul style="list-style-type: none"> ▪ Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). ▪ Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. ▪ The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. ▪ Sensitive receptors shall be located on the upper floors of buildings, if feasible. ▪ Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). ▪ Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. ▪ Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible. ▪ Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> ○ Installing electrical hook-ups for diesel trucks at loading docks. ○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. ○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. ○ Prohibiting trucks from idling for more than two minutes. 			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> o Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. <i>Maintenance of Health Risk Reduction Measures</i> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p>SCA-AIR-5: Stationary Sources of Air Pollution (Toxic Air Contaminants) (#24). The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:</p> <ul style="list-style-type: none"> a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable. <p>- or -</p> <ul style="list-style-type: none"> b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for 	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. Prior to approval of construction-related permit 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Planning 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> i. Installation of non-diesel fueled generators, if feasible, or; ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. 			
Cultural Resources			
<p>SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction (#32)</p> <p>Pursuant to CEQA Guidelines Section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the</p>	During construction	N/A	Bureau of Building

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p>SCA-CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures (#33) The project applicant shall implement either Provision A (Intensive Pre-Construction Study) <u>or</u> Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. A report disseminating the results of this research. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. 	<p>Prior to approval of construction-related permit;</p> <p>Bureau of Building; Bureau of Planning</p>	<p>Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p>Provision B: Construction ALERT Sheet. The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes);</p>			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>			
<p>SCA-CUL-3: Human Remains – Discovery During Construction (#34)</p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>	During construction	N/A	Bureau of Building
<p>Geology, Soils and Geohazards</p>			
<p>SCA-GEO-1: Construction-Related Permit(s) (#36)</p> <p>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p>SCA-GEO-2: Seismic Hazards Zone (Landslide/Liquefaction) (#39)</p> <p>The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building

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<p>Standard Conditions of Approval/ Mitigation Measures hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>			
<p>Greenhouse Gas Emissions</p>			
<p>SCA-GHG-1: Project Compliance with the Equitable Climate Action Checklist (#41) The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase. a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction. c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.</p>	<p>a. Prior to approval of construction-related permit. b. During Construction c. Ongoing</p>	<p>a. Bureau of Planning b. Bureau of Planning c. Bureau of Planning</p>	<p>a. Bureau of Planning b. Bureau of Building c. Bureau of Planning</p>
<p>Hazards and Hazardous Materials</p>			
<p>SCA-HAZ-1: Hazardous Materials Related to Construction (#42) The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacturer's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</p>	<p>During construction</p>	<p>N/A</p>	<p>Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>d. Properly dispose of discarded containers of fuels and other chemicals;</p> <p>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</p> <p>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment.</p> <p>Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>			
<p>SCA-HAZ-2: Hazardous Building Materials and Site Contamination (#43)</p> <p><i>a. Hazardous Building Materials Assessment</i></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any</p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p>b. Prior to building permit final</p>	<p>a. Bureau of Building</p> <p>b. Oakland Fire Department</p>	<p>a. Bureau of Building</p> <p>b. Oakland Fire Department</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. <i>Environmental Site Assessment Required</i></p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 			
<p>SCA-HAZ-3: Hazardous Materials Business Plan (#45)</p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 	Prior to building permit final	Oakland Fire Department	Oakland Fire Department

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Hydrology and Water Quality			
<p>SCA-HYD-1: Erosion and Sedimentation Control Measures for Construction (#48) The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.</p>	During construction	N/A	Bureau of Building
<p>SCA-HYD-2: State Construction General Permit (#50) The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.</p>	Prior to approval of construction-related permit	State Water Resources Control Board; evidence of compliance submitted to Bureau of Building	State Water Resources Control Board
<p>SCA-HYD-3: Source Control Measures to Limit Stormwater Pollution (#53) Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following: <ul style="list-style-type: none"> a. Stencil storm drain inlets “No Dumping – Drains to Bay;” b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: <ul style="list-style-type: none"> f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; </p>			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;</p> <p>i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and</p> <p>j. Fire sprinkler test water if discharge to on-site vegetated areas is not feasible.</p>			
<p>SCA-HYD-4: NPDES C.3 Stormwater Requirements for Regulated Projects (#54).</p> <p>a. <i>Post-Construction Stormwater Management Plan Required</i></p> <p>The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <p>i. Location and size of new and replaced impervious surface;</p> <p>ii. Directional surface flow of stormwater runoff;</p> <p>iii. Location of proposed on-site storm drain lines;</p> <p>iv. Site design measures to reduce the amount of impervious surface area;</p> <p>v. Source control measures to limit stormwater pollution;</p> <p>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</p> <p>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</p> <p>b. <i>Maintenance Agreement Required</i></p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <p>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to building permit final</p>	<p>a. Bureau of Planning; Bureau of Building</p> <p>b. Bureau of Building</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p>

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<p>reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>ii. 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.</p> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>			
Noise			
<p>SCA-NOI-1: Construction Days/Hours (#62) The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with</p>	During construction	N/A	Bureau of Building

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents’/occupants’ preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p>SCA-NOI-2: Construction Noise (#63)</p> <p>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. Applicant shall use temporary power poles instead of generators where feasible. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. 	During construction	N/A	Bureau of Building

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<p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p> <p>SCA-NOI-3: Extreme Construction Noise (#64)</p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. <p><i>b. Public Notification Required</i></p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the</p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. During construction 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p> <p>SCA-NOI-4: Construction Noise Complaints (#66) The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> Designation of an on-site construction complaint and enforcement manager for the project; A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. <p>SCA-NOI-5: Exposure to Community Noise (#67). The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities <p>SCA NOI-6: Operational Noise (#68) Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter</p>	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>
	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>
	<p>Ongoing</p>	<p>N/A</p>	<p>Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p> <p>SCA-NOI-7: Exposure to Vibration (#69) The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <p>a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.</p> <p>b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project’s structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).</p>	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>
Public Services and Recreation			
<p>SCA-PUB-1: Capital Improvements Impact Fee (#73) The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (Chapter 15.74 of the Oakland Municipal Code).</p>	<p>Prior to issuance of building permit</p>	<p>Bureau of Building</p>	<p>N/A</p>

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	When Required	Initial Approval	Monitoring/ Inspection
<p>Transportation and Circulation</p> <p>SCA-TRAN-1: Construction Activity in the Public Right-of-Way (#75) <i>a. Obstruction Permit Required</i> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. <i>b. Traffic Control Plan Required</i> In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction. <i>c. Repair of City Streets</i> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p>SCA-TRAN-2: Bicycle Parking (#76) The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to approval of construction-related permit</p> <p>c. Prior to building permit final</p>	<p>a. Department of Transportation</p> <p>b. Department of Transportation</p> <p>c. N/A</p>	<p>a. Department of Transportation</p> <p>b. Department of Transportation</p> <p>c. Department of Transportation</p>

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	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-TRAN-3: Transportation Improvements (#77)</p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum 	<p>Prior to building permit final or as otherwise specified</p>	<p>Bureau of Building; Department of Transportation</p>	<p>Bureau of Building</p>

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	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner) 			
<p>SCA-TRAN-4: Transportation and Parking Demand Management (#78)</p> <p><i>a. Transportation and Parking Demand Management (TDM) Plan Required</i> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <ul style="list-style-type: none"> i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> ▪ Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. ▪ Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> ○ Projects generating 50-99 net new AM or PM peak hour vehicle trips: 10 percent VTR ○ Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR ○ Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. ○ Enhance the City’s transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> ▪ Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. ▪ Proposed TDM strategies to achieve VTR goals (see below). 	<ul style="list-style-type: none"> a. Prior to approval of planning application b. Prior to building permit final c. Ongoing 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Building c. Department of Transportation 	<ul style="list-style-type: none"> a. N/A b. Bureau of Building c. Department of Transportation

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.</p> <p>Iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.</p>				
Improvement	Required by code or when...			
Bus boarding bulbs or islands	<ul style="list-style-type: none"> ▪ A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or ▪ A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 			
Bus shelter	<ul style="list-style-type: none"> ▪ A stop with no shelter is located within the project frontage, or ▪ The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 			
Concrete bus pad	<ul style="list-style-type: none"> ▪ A bus stop is located along the project frontage and a concrete bus pad does not already exist 			
Curb extensions or bulb-outs	<ul style="list-style-type: none"> ▪ Identified as an improvement within site analysis 			
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> ▪ A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and ▪ The project would generate 500 or more daily bicycle trips 			
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> ▪ A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and ▪ The project would generate 400 or more peak period transit trips 			
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape;	<ul style="list-style-type: none"> ▪ Always required 			

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and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection 			
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 			
In-street bicycle corral	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Intersection improvements ^a	<ul style="list-style-type: none"> Always required 			
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required 			
No monthly permits and establish minimum price floor for public parking ^b	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 			
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 			
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 - 200 units, then one car share space per 200 units. Typically required 			
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Pedestrian-supportive signal changes ^c	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 			

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<p>Real-time transit information system</p> <ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 				
<p>Relocating bus stops to far side</p> <ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 				
<p>Signal upgrades^d</p> <ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years 				
<p>Transit queue jumps</p> <ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 				
<p>Trenching and placement of conduit for providing traffic signal interconnect</p> <ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect 				
<p>Unbundled parking</p> <ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 				

^a Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

^b May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

^c Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

^d Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

v. Other TDM strategies to consider include, but are not limited to, the following:

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> i. Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in Chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. ii. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. iii. Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. iv. Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oako42662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oako25595.pdf, respectively) And any applicable streetscape plan. v. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. vi. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). vii. Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. viii. Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). 			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> ix. Guaranteed ride home program for employees, either through 511.org or through separate program. x. Pre-tax commuter benefits (commuter checks) for employees. xi. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. xii. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. xiii. Distribution of information concerning alternative transportation options. xiv. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. xv. Parking management strategies including attendant/valet parking and shared parking spaces. xvi. Requiring tenants to provide opportunities and the ability to work off-site. xvii. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). xviii. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. xix. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. <p>b. TDM Implementation – Physical Improvements</p>			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p>c. <i>TDM Implementation – Operational Strategies</i></p> <p>For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>			
<p>SCA-TRAN-5: Transportation Impact Fee (#79)</p> <p>The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (Chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	Bureau of Building	N/A
<p>SCA-TRAN-6: Plug-In Electric Vehicle (PEV) Charging Infrastructure (#81)</p> <p>a. <i>PEV-Ready Parking Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code.</p> <p>Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p> <p>b. <i>PEV-Capable Parking Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable</p>	<p>a. Prior to issuance of building permit</p> <p>b. Prior to issuance of building permit</p> <p>c. Prior to issuance of building permit</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p>c. <i>ADA-Accessible Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).</p>			
<p>Utilities and Service Systems</p>			
<p>SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling (#82)</p> <p>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	<p>Prior to approval of construction-related permit</p>	<p>Public Works Department, Environmental Services Department</p>	<p>Public Works Department, Environmental Services Department</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-UTIL-2: Underground Utilities (#83) The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>		During construction	N/A	Bureau of Building
<p>SCA-UTIL-3: Recycling Collection and Storage Space (#84) The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.</p>		Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p>SCA-UTIL-4: Green Building Requirements (#85)</p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code).</p> <p><i>i.</i> The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> ▪ Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. ▪ Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. ▪ Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. 		<p>a. Prior to approval of construction-related permit</p> <p>b. During construction</p> <p>c. Prior to final approval</p>	<p>a. Bureau of Building</p> <p>b. N/A</p> <p>c. Bureau of Planning</p>	<p>a. N/A</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> ▪ Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. ▪ Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. ▪ Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. ▪ Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> ▪ CALGreen mandatory measures ▪ 23 points per the appropriate checklist approved during the Planning entitlement process. ▪ All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. ▪ The required green building point minimums in the appropriate credit categories. <p>b. <i>Compliance with Green Building Requirements During Construction</i> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ul style="list-style-type: none"> i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. 			

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</p> <p>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p> <p>c. <i>Compliance with Green Building Requirements After Construction</i> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>			
<p>SCA-UTIL-5: Sanitary Sewer System (#87) The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit	Public Works Department, Department of Engineering and Construction	N/A
<p>SCA-UTIL-6: Storm Drain System (#88) The project storm drainage system shall be designed in accordance with the City of Oakland’s Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p>SCA-UTIL-7: Recycled Water (#89) Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. The project applicant shall contact the New Business Office of the</p>	Prior to approval of construction-related permit	Bureau of Planning; Bureau of Building	Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.</p> <p>SCA-UTIL-8: Water Efficient Landscape Ordinance (WELo) (#90) The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELo) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELo.</p> <p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p> <p><i>Performance Measures</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following</p> <p>a. Project Information:</p> <ol style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and 	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil Management Report d. Landscape Design Plan e. Irrigation Design Plan, and f. Grading Plan <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. http://www.water.ca.gov/wateruseefficiency/landscapeordnance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p>			
Other Standard Conditions			
<p>SCA-OTHER-1: Public Art for Private Development (#93). The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit Installation of art/cultural space –</p>	Bureau of Planning	Bureau of Building

Standard Conditions of Approval and Mitigation Measures		Standard Conditions of Approval and Mitigation Measures	
		Implementation/Monitoring	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>		<p>When Required</p> <p>Prior to Issuance of a Certificate of Occupancy.</p>	

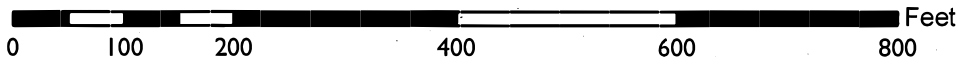
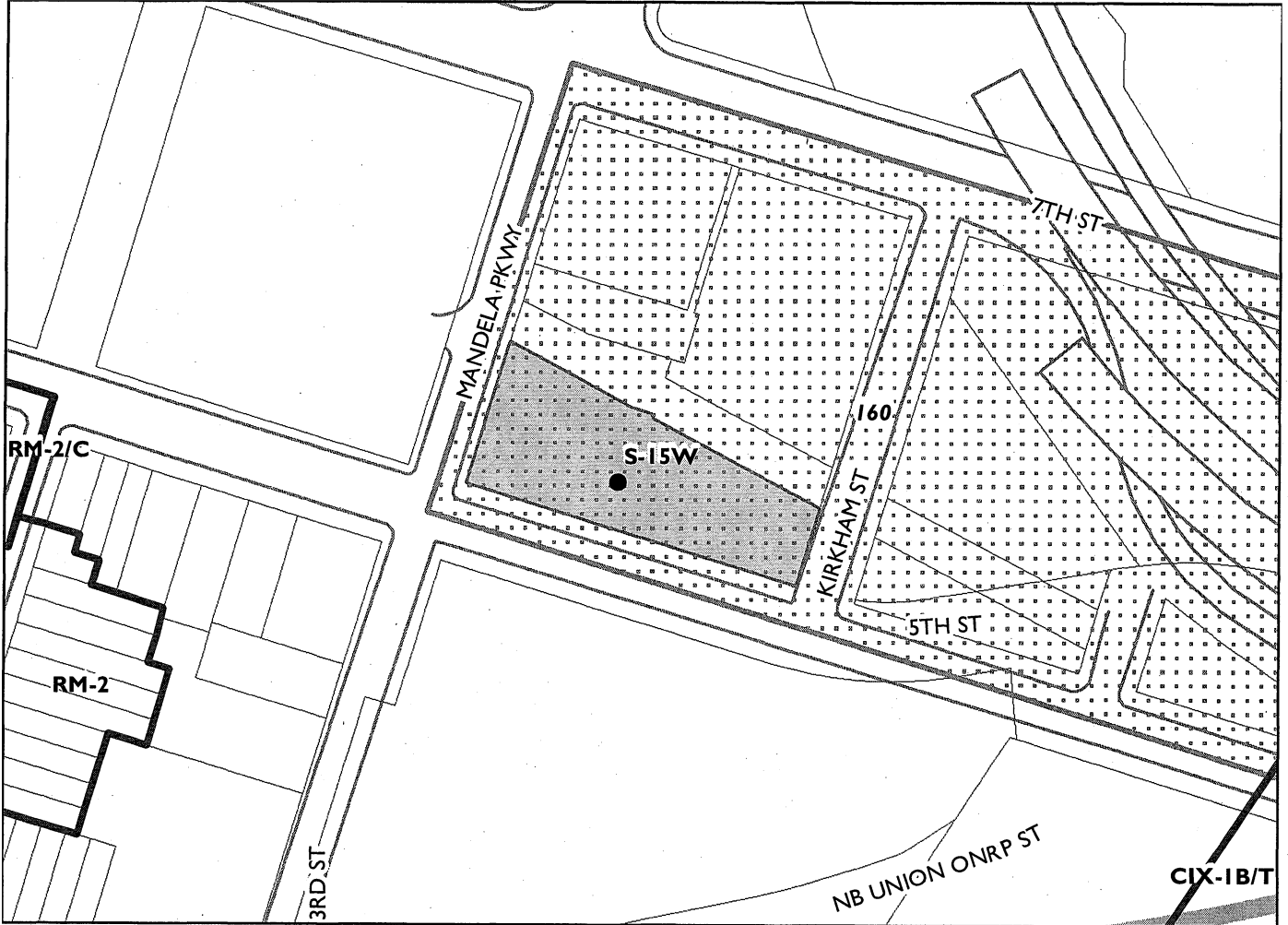
Location:	1396 5th Street (See map on reverse)
Assessors Parcel Numbers:	004-0069-004-00
Proposal:	Construct an eight-story residential building containing 222 dwelling units. The proposal would use the State Affordable Housing Density Bonus and will include 16 units designated as very-low income, and includes the use of a concession for the minimum required parking and development waivers for open space requirements.
Applicant:	Scott Cooper / The Michaels Organization
Owner:	Oakland Housing Investors LP
Planning Permits Required:	Regular Design Review for new construction, Minor Conditional Use Permit for driveway location, and Major Conditional Use Permit for a development project in excess of 100,000 square feet in the S-15 Zone. Tentative Parcel Map to merge the existing lots into one lot.
General Plan:	Community Commercial
Zoning:	S-15 (W)
Environmental Determination:	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15182 – Specific Plan exemption; 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Qualified In-fill projects; and 15164 – Addendum to the 2014 certified West Oakland Specific Plan EIR; Each of the CEQA provisions provides a separate and independent basis for CEQA compliance.
Historic Status:	Not a historic property
City Council District:	3
Action to be Taken:	Decision on Application
Staff Recommendation:	Approve with the attached conditions.
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Peterson Z. Vollmann at 510-238-6167 or by e-mail at pvollmann@oaklandca.gov .

SUMMARY

The Michaels Organization has filed an application with the Bureau of Planning to develop an eight-story residential building that would include 222 dwelling units, 16 of which would be designated as affordable for very-low-income households. The site is located within Opportunity Area 2 (7th Street) of the West Oakland Specific Plan across Mandela Parkway from the West Oakland Bay Area Rapid Transit (BART) Station.

On October 28, 2020, the proposal appeared before the Design Review Committee, during which the Committee recommended design modifications prior to the item moving forward to the full

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20101
Applicant: Scott Cooper / The Michaels Organization
Address: 1396 5th Street
Zone: S-15(W)
Height Area: 160 ft

Planning Commission for consideration. The design recommendations were incorporated into the revised project.

Staff recommends approval, subject to the attached findings and conditions of approval.

PROPERTY DESCRIPTION

The subject property consists of a 38,394 square-foot site located on the north side of 5th Street between Mandela Parkway and Kirkham Street. The northern end of the site is directly adjacent to the BART aerial tracks leading into the West Oakland BART station. The site had previously been entitled for a senior housing development that was subject to a large fire during construction and the remaining structure was subsequently demolished to entirely clear the site.

PROJECT DESCRIPTION

The proposed Project would construct an eight-story residential building containing 222 dwelling units. The residential apartments would be located on the upper seven floors with the ground floor containing the building's residential lobby, tenant amenities and the parking garage with an internal residential loading berth. The applicant is taking advantage of the Affordable Housing Density bonus and would include 16 dwelling units that would be designated as affordable for very-low-income households. The applicant is also looking to include development waivers and concessions allowed with the Affordable Housing Density Bonus Law to allow a reduction to the required parking with a concession, and a reduction to the required open space and courtyard separation through a development waiver.

The ground floor along Mandela Parkway and 5th Street will be activated to provide pedestrian interest by including a large lobby and a number of residential amenity spaces that will provide a presence onto the street. These residential amenity spaces could potentially be converted into commercial spaces in the future. The parking garage access will be provided on the eastern side of the site off Kirkham Street. The building will back up to the BART aerial and contain a landscaped setback to meet the BART requirements and the building wall will be set up to accommodate the public art for the project.

GENERAL PLAN ANALYSIS

The project site is located within the Community Commercial General Plan land use area. This land use classification is intended to create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts and centers.

Among the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project, and which the Project conforms with, are the following:

Policy T2.2 – Guiding Transit Oriented Development – Transit Oriented Development should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and

services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N8.1 – Developing Transit Villages – “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART Stations or other well-used or high-volume transit facilities, such as light rail, train, ferry stations or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

The proposed Project is consistent/conforms with the above referenced policies and objectives and the general intent of Community Commercial land use designations by constructing a high-density residential building with within close proximity across the street from the West Oakland BART Station. The proposed ground floor will also provide a visually active residential amenity space to enhance the pedestrian environment, which in the future could potentially be converted to commercial space should the market demand warrant such conversion.

West Oakland Specific Plan

The West Oakland Specific Plan provides the guiding framework for realizing the vision of a healthy, vibrant West Oakland. It reflects the desires and aspirations of a wide range of community members, stakeholders, steering committee participants, City staff, and the Planning Commission and City Council. The objectives of the Specific Plan are to bring to life the community’s longstanding vision for a West Oakland that contains viable employment opportunities, provides needed goods and services, supports abundant and affordable housing resources, and facilitates sustainable development. The Specific Plan provides guidelines and development standards that support this vision; and includes an implementation action plan to systematically achieve its key objectives. In the West Oakland Specific Plan, the project site is located in Subarea 2A of the 7th Street Opportunity Area and is one of several parcels identified as site #23, which contemplated higher-density housing, commercial office, and government/institutional office space around the core of the BART Station.

Among the Specific Plan goals and policies applicable to the proposed Project, and which the Project conforms with, are the following:

- Intent: Implement the City’s long-term vision for a Transit-Oriented Development (TOD) project at the West Oakland BART station, in the area generally coinciding with the boundaries of the City’s existing S-15 Transit Oriented Development Zone.
- 7th Street TOD Env-2: The new buildings envisioned to surround the West Oakland BART station as part of the TOD project are expected to provide a noticeable and significant noise buffer between portions of both the freeway and the BART tracks, and

existing residential neighborhoods. The noise attenuation benefits from the proposed new buildings should be fully considered in final designs for these structures.

The project is consistent with the above-mentioned goals and policies and the Development Program analyzed in the WOSP EIR for the 7th Street Opportunity Area, which anticipated up to 2,839 residential units and 170,000 square feet of low-intensity industrial and business space. The number of residential units are within the range described in the Development Program and consistent with the buildout remaining for the 7th Street Opportunity Area. The proposal includes a number of active residential amenity spaces along Mandela Parkway and 5th Street to enhance the pedestrian environment along with streetscape improvements, which contain adequate ceiling height and depth so that the spaces could potentially be converted to commercial uses in the future. The building will also abut the existing BART aerial structure which will provide a level of noise buffering for the residential neighborhood to the south.

ZONING ANALYSIS

The subject property is located within the S-15 W Transit Oriented Development Commercial Zone ("W" being designated to the S-15 Zone in West Oakland established through the West Oakland Specific Plan). The Transit-Oriented Development (S-15) Zones are intended to create, preserve and enhance areas devoted primarily to serve multiple modes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of Residential, Civic, Commercial, and Light Industrial Activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as BART stations, AC Transit centers, and other transportation nodes.

The site is located within the 160 Height Zone, which allows for a permitted height of 160 feet and residential density of one dwelling unit per 225 square feet of lot area and a commercial FAR of 5.0.

Residential Density

As previously mentioned, the 160-height zone in which the Project site is located allows for a maximum residential density of one dwelling unit per 225 square feet of lot area. The zoning density for the 38,394 square foot lot would allow a maximum of 171 dwelling units. The applicant is looking to apply the Affordable Housing Density Bonus with designating 9% of the baseline dwelling units as affordable to very-low-income households which allows for a density bonus of 30%.

The breakdown of the residential density is explained in the table below.

Site Area	Height Area 160 Density	30% Affordable Bonus (9% very low income)	Total Dwellings Allowed
38,394 square feet	1:225 square feet of site = 171 (170.3)* units	52 (51.3)*	223

* Affordable Housing State Density Bonus Law allows fractional density calculations to round up to the next whole number.

Parking

As stated above the applicant is applying the allowed concession to be applied to the amount of required off-street parking. They have demonstrated a cost savings to the project by avoiding constructing a subterranean garage as required under the Density Bonus law to allow the concession.

Auto and Bike parking is required and proposed as set forth in the following tables below.

Auto Parking			
Use	Amount	Required Auto Parking	Stalls Provided
Residential	0.5 spaces per unit.	222 x 0.5 = 111 stalls (78*)	41

* Note that this requirement is reduced an additional 30% by right due to the site's proximity to transit.

Bike Parking Long Term			
Use	Amount	Required Bike Parking	Provided
Multi-family Residential	222 dwelling units	1:4 dwelling units = 56	56

Bike Parking Short Term			
Use	Amount	Required Bike Parking	Provided
Multi-family Residential	222 dwelling units	1:20 dwelling units = 11	12

Development Waiver for Open Space

The State Affordable Housing Density Bonus Law allows for waivers of development regulations that would preclude the ability to physically develop the proposed density bonus project. The applicant is requesting a waiver to the open space requirements and courtyard separation requirements of the Planning Code in order to develop the density bonus project. The applicant has demonstrated that by designing the project in a manner that would meet the open space requirements under the proposed construction type (limited to 85 feet in height), as the project would need to expand the podium courtyards or upper floor open space which both

would lead to a reduction of the building envelope resulting in the loss of dwelling units. Therefore, the project complies with the standards of being granted the development waiver.

Conditional Use Permits

The proposed project would include more than 100,000 square feet of new floor area, and pursuant to Planning Code Section 17.97.030 a Major Conditional Use Permit is required which requires the approval of the Planning Commission.

Driveway/Parking Location

Planning Code Section 17.97.060 requires a conditional use permit whenever a parking garage, loading berth or driveway located on the ground floor is within 20 feet of a pedestrian walkway or plaza. The project includes ground floor parking and loading with a driveway on Kirkham Street, thus requiring the granting of a conditional use permit. Staff feels that the granting of a conditional use permit is appropriate given that the driveway is located on Kirkham Street, which is the narrowest of the site frontages and creates the least impact onto the pedestrian streetscape, and all loading and parking is located behind active spaces and will not be visible from the public right of way except at the garage entry.

Design Review

The proposed design consists of a podium base that is built out to the street-fronting property lines and set back from the BART aerial structure to the north by 20 feet as required by BART. The podium base includes the ground floor lobby, residential tenant amenities with off-street parking and loading located behind the active facilities fronting the streets. Access to the parking garage would be provided by a driveway located on Kirkham Street.

Floors two through eight of the building would contain the residential dwelling units and would be built out to the street-fronting property except for the two south facing courtyards that provide group open space above the podium level on the second floor. The top floor would also recess at the southwestern corner to allow for additional rooftop open space for use by the residents.

The northern side of the building that faces directly onto the BART aerial structure would consist of a solid wall set back 20 feet, which would shield the dwellings and open space from the frequently passing BART trains. Landscaping, including vertically oriented columnar trees would be provided at the ground level to provide a visual buffer to the building wall at the lower levels while still providing the area necessary for BART employees to access the aerial structure for maintenance. The proposal includes using the northern wall as a location to provide the public art requirement for the project, which would be highly visible to BART passengers and from the street level on Mandela Parkway and Kirkham Street. The public art location would also be visible from 7th Street until the property north of the BART aerial structure is developed.

The proposal is consistent with the WOSP Design Guidelines by building the site out to the street edge to establish a street wall and enhance the pedestrian environment by providing visually open ground floor activities and limiting the visual presence of parking facilities to Kirkham Street where the one driveway for access to the building is proposed. The building will also include two south facing courtyards at the podium level that will create usable open space that is

oriented to the south for maximum solar exposure while also breaking up the building massing at the upper levels. The breaking up of the visual massing will also be enhanced by including a variation of building materials to the facades of three building masses facing south by the use of stucco with architectural bands and a wood composite horizontal siding that wraps the corners of these elevations.

Design Review Committee

As previously mentioned, this item appeared before the Design Review Committee (DRC) on October 28, 2020. The comments at the committee meeting focused on recommendations to the upper levels of the southern façade, the ground floor design, and the northern wall facing the BART aerial structure. The Committee recommended adding visual interest to the upper levels of the southern elevations of the building by incorporating a variation of building materials, which previously was solely a stucco treatment. The applicant has added the use of a wood composite horizontal siding to create this variation. The Committee also focused on design modifications to the ground floor to add more vertical elements to connect the ground floor to the upper levels of the building. There was also discussion that the immediate inclusion of ground floor commercial wasn't absolutely necessary given that the demand for commercial space along 5th Street at this point in time may result in a vacant closed off space, and the immediate focus should be on re-establishing 7th Street as the primary commercial core of the area. The Committee also recommended adding architectural elements to the northern wall facing the BART aerial structure to create visual interest and break down of the massing in addition to the proposed public art wall. All of the recommendations from the Committee have been incorporated into the redesigned proposal before the full Planning Commission.

ENVIRONMENTAL DETERMINATION

The *West Oakland Specific Plan Environmental Impact Report (EIR)* analyzed the environmental impacts of adoption and implementation of the WOSP and, where the level of detail available was sufficient to adequately analyze the potential environmental effects, provided a project-level CEQA review for reasonably foreseeable development. This project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provide a basis for CEQA compliance.

1. **Specific Plan Exemption.** Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182 allow streamlined environmental review for projects that are consistent with an adopted Specific Plan where the site meets the requirements of being in proximity to transit and none of the conditions for preparation of a subsequent or supplemental EIR pursuant to Section 15162 are satisfied.

2. **Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to

examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”

- 3. Qualified In-fill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.
- 4. Addendum.** Public Resources Code Section 21166 and CEQA Guidelines Section 15164 state that an addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a subsequent EIR or Negative Declaration pursuant to Section 15162 are satisfied.

Note:

*A detailed CEQA Analysis was prepared for the project and was provided under separate cover for review and consideration by the Planning Commission, and is available on the City website at:
<https://cao-94612.s3.amazonaws.com/documents/1396-5th-Street-CEQA-Analysis.pdf>*

CONCLUSION

Staff believes that the proposed project is well designed and helps to implement the vision of the WOSP by the creation of a high-density residential building in very close proximity to the West Oakland BART station and establishing new sidewalks around the site perimeter that enhance the overall pedestrian environment of the area. In addition, the project will add to the City's housing stock including the proposed below market rate units that would be constructed within the project.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination and adopt the attached CEQA Findings.
 2. Approve the Conditional Use Permits, Design Review and Vesting Tentative Parcel Map subject to the attached findings and conditions.

Prepared by:



PETERSON Z. VOLLMANN
Planner IV

Reviewed by:



CATHERINE PAYNE
Acting Development Planning Manager
Bureau of Planning

Approved for Forwarding to the
City Planning Commission:



ED MANASSE
Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. SCA/MMRP from the 1396 5th Street CEQA Analysis Checklist
- D. Project Plans
- E. Tentative Parcel Map

ATTACHMENT A

FINDINGS FOR APPROVAL

This proposal meets all the required Design Review Criteria (Sections 17.136.050) and Conditional Use Permit Criteria (Sections 17.134.050 & 17.97.025) as set forth below and which are required to approve the application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons the proposal satisfies them are shown in normal type. (Note: The Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record).

17.136.050(A) - RESIDENTIAL DESIGN REVIEW CRITERIA:

- 1. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

The proposed project is located within the West Oakland Specific Plan (WOSP) 7th Street opportunity area, which has the intent of creating a dense transit-oriented development area that takes advantage of the close proximity to the West Oakland BART station. The proposed building would be consistent with other recently approved buildings within the opportunity area of the specific plan area with regard to bulk, height, materials and textures. The proposal will be built out to the street frontage property lines to establish a street wall in the area and will back up against the BART aerial structure which will help with sound attenuation for the residential neighborhood to the south. The building will contain a tall ground floor with a large amount of transparency to internal active uses that will help to enhance the pedestrian environment of the area. The height of the building will be within the allowed 160-foot height limit at 85 feet and will contain southern facing courtyards that will help to break down the visual bulk of the building. The proposal will incorporate stucco of varying color schemes with raised trim bands to add architectural detail and will also include a wood composite horizontal siding to provide contrast and a modern reflection of the wood siding of older homes in the area.

- 2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed design will enhance the desirable neighborhood characteristics by redeveloping the site with a new high-density residential building that creates an active ground floor at the pedestrian level, as envisioned in the WOSP. The proposal will also provide for a dense residential environment in close proximity to the West Oakland BART station to enhance the area as a transit village.

- 3. The proposed design will be sensitive to the topography and landscape.**

The project site is flat and void of any landscaping.

- 4. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

The project site is not located on a hill.

5. **The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

The site is located within the Community Commercial land use classification of the Land Use and Transportation Element (LUTE) of the general Plan and within the West Oakland Specific Plan Area. The proposed development is consistent with the Design Guidelines set forth in the WOSP as well as the City's Corridor Design Guidelines.

The Project is consistent with the following LUTE and Specific Plan goals and policies:

Policy T2.2 – Guiding Transit Oriented Development – Transit Oriented Development should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N8.1 – Developing Transit Villages – “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART Stations or other well-used or high-volume transit facilities, such as light rail, train, ferry stations or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

Intent: Implement the City's long-term vision for a Transit-Oriented Development (TOD) project at the West Oakland BART station, in the area generally coinciding with the boundaries of the City's existing S-15 Transit Oriented Development Zone.

7th Street TOD Env-2: The new buildings envisioned to surround the West Oakland BART station as part of the TOD project are expected to provide a noticeable and significant noise buffer between portions of both the freeway and the BART tracks, and existing residential neighborhoods. The noise attenuation benefits from the proposed new buildings should be fully considered in final designs for these structures.

The Project is consistent/conforms with the above-mentioned goals and policies by creating a new high density residential development located within the 7th Street opportunity area of the specific plan in close proximity to the West Oakland BART Station across the street. The proposal includes a number of active residential amenity spaces along Mandela Parkway and 5th Street to enhance the pedestrian environment along with streetscape improvements, which contain adequate ceiling height and depth so that the spaces could potentially be converted to commercial uses in the future. The building will also abut the existing BART aerial structure which will provide a level of noise buffering for the residential neighborhood to the south.

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:

- 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The location, size, design and operating characteristics of the proposed Project will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood. The proposed project is consistent with scale, bulk, coverage and density requirements of the General Plan and applicable zoning regulations, and proposed height, scale and bulk of the building is compatible with similar structures constructed and recently approved in the immediate vicinity of the Project site within the 7th Street Opportunity area of the WOSP. The WOSP EIR outlined the potential traffic impacts within the area through the anticipated growth through the adopted plan, mitigations for improvements to intersections throughout the area were included, and each project is required to pay a fair share traffic impact fee that will go towards these future improvements to address traffic concerns.

- 2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposal will provide for a functional living environment that will be of a high-quality design located in an area planned for development of the kind proposed by the Project in very close proximity to the West Oakland BART Station as part of creating a transit village as envisioned in the WOSP.

- 3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The development proposed by the Project will help to fulfill the vision of the WOSP by developing a high-density residential development with an active ground floor along 5th Street to add to the pedestrian vibrancy of the area and help to establish the transit village around the West Oakland BART Station as envisioned by the specific plan. The project will also add needed housing stock for the City including the incorporated below market rate units.

- 4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

The proposed Project does conform to all applicable design review criteria, as described in the Residential Design Review Criteria findings above, which are hereby incorporated by reference.

- 5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The Project is consistent with the goals and policies of the Oakland General Plan, including the WOSP, and with all applicable zoning controls, as indicated in the Findings in Sections 17.136.050 above, hereby incorporated by reference.

SECTION 17.97.025 – S-15 ZONE CONDITIONAL USE PERMIT CRITERIA

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;**

The proposed project is located within the West Oakland Specific Plan (WOSP) 7th Street opportunity area, which has the intent of creating a dense transit-oriented development area that takes advantage of the close proximity to the West Oakland BART station. The proposed building would redevelop and existing vacant lot and would be consistent with other recently approved buildings within the opportunity area. The proposed design includes quality exterior finishes and appropriately breaks down the massing of the building by incorporating upper-level courtyards and building recesses. The project will also establish a ground floor that includes a visual presence onto the street and when combined with the proposed improvements to the right of way will create a desirable pedestrian environment that will enhance the area.

- B. That the proposal will encourage an appropriate mixture of Residential and/or Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;**

The project is a high-density residential development that includes an active ground floor by incorporating tenant amenities that will be visually present from the right of way and could potentially be converted into commercial space in the future should the demand arise. The project is in direct proximity to the West Oakland BART Station and 7th Street which will promote the use of public transportation.

- C. That the proposal is designed to provide a safe and pleasant pedestrian environment;**

The proposal will include improvements to the public right of way that will install and widen sidewalks that will enhance the pedestrian environment of the area and will also contain ground floor facilities that will provide an active presence onto the street.

- D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:**

- 1. That vehicular access cannot reasonably be provided from a different street or other way;**

The proposal includes one driveway access point on Kirkham Street, which is the least prominent frontage of the site and would not be considered a principal commercial street.

- 2. That every reasonable effort has been made to share means of vehicular access with abutting properties;**

No other properties are directly abutting the site, as the site fronts on the three adjacent streets and the site to the north on 7th Street is bisected by the BART aerial structure.

- 3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Subsection 17.110.040.B.**

The parking garage will be enclosed and located behind other ground floor uses that will screen the garage from the public view.

- E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.**

The parking provided will not be in excess of what is required by Code.

- F. In addition to the foregoing criteria and any other applicable requirements, Automotive Fee Parking within this zone shall be subject to the following use permit criteria:**

The proposal does not include Automotive Fee Parking.

16.08.030 - TENTATIVE MAP FINDINGS (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act))

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

The proposal is consistent with the Community Commercial General Plan designation and with the WOSP by creating a high-density residential development in close proximity to the West Oakland BART Station as part of the envisioned transit village. See additional General Plan Conformity findings above.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The proposal is consistent with the Community Commercial General Plan designation and with the WOSP by creating a high-density residential development in close proximity to the West Oakland BART Station as part of the envisioned transit village. See additional General Plan Conformity findings above.

- C. That the site is not physically suitable for the type of development.**

The site is suitable for the proposed development as it is located close to public utilities, transit, and other civic facilities, and fulfills the vision for the area as set forth in the WOSP.

- D. That the site is not physically suitable for the proposed density of development.**

The proposed density is consistent with the General Plan and Specific Plan density envisioned for the area.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

This site has been previously developed and does not contain any wildlife habitat or waterways.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health**

problems.

There would be no adverse health effects. This is high-density residential development located within a mixed use area and it will introduce no new use classifications that are incompatible with the surrounding neighborhood.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)**

There are no easements on this property at present to allow the public access to anything.

- H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision**

The project could be set up for solar panels on the rooftop.

SECTION 16.24.040 – LOT DESIGN STANDARDS

- A. No lot shall be created without frontage on a public street, except lots created in conjunction with approved private access easements.**

The merged lot will contain frontage on three public streets.

- B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.**

The side lot lines will generally run at right angles from the street frontages.

- C. All applicable requirements of the zoning regulations shall be met.**

The proposal will comply with the zoning regulations of the S-15 (W) Zone as outlined in this staff report, and the new merged lot will combine a number of smaller lots into one larger parcel that will comply with the minimum lot size for the zone that it is located within.

- D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area.**

The merged lot will be larger than the smaller lots that currently exist and will be consistent with the lot sizes in the vicinity.

- E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.**

The site is previously developed and no such features exist.

CEQA COMPLIANCE FINDINGS

- I. **Introduction.** These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the City Planning Commission in connection with the environmental analysis of the effects of implementation of the 1396 5th Street project, as more fully described elsewhere in this Staff Report and City Of Oakland (“City”)-prepared CEQA Analysis document entitled “1396 5th Street Project CEQA Analysis” dated February 2021 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

An evaluation of the Project is provided in the CEQA Checklist of the CEQA Analysis incorporated by reference to this staff report. The CEQA Analysis concludes that the Project qualifies for an addendum as well as an exemption from additional environmental review. It is consistent with the development density and land use characteristics established by the City of Oakland General Plan, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the WOSP EIR.

The Project would be required to comply with the applicable mitigation measures and City of Oakland SCAs identified in the WOSP EIR and presented in Attachment A to the CEQA Analysis. With implementation of the applicable mitigation measures and SCAs, the Project would not result in a substantial increase in the severity of previously identified significant impacts in the WOSP EIR or result in any new significant impacts that were not previously identified.

In accordance with California Public Resources Code Sections 21083.3, and 211 66; and CEQA Guidelines Sections 15162, 15164, 15168, 15182,15183, and 15183.3, and as set forth in the CEQA Analysis and Checklist attached to this report, the Project qualifies for an addendum and one or more exemptions because the following findings can be made:

II. **CEQA Analysis Findings.**

- A. Addendum.** The WOSP EIR analyzed the impacts of development within the WOSP. The Project would not result in substantial changes or involve new information not already analyzed in the WOSP EIR because the level of development now proposed for the site is within the broader development assumptions analyzed in the WOSP EIR. The Project would not cause new significant impacts not previously identified in the WOSP EIR or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the WOSP that would cause significant environmental impacts to which the Project would contribute considerably, and no

new information has been put forward that shows that the Project would cause significant environmental impacts. Therefore, no supplemental environmental review is required in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 through 15164.

- B. Specific Plan Exemption.** The Project meets the eligibility guidelines and is a qualifying mixed-use project located within a priority transit area and is consistent with the development density established by the WOSP and analyzed in the certified WOSP EIR. As such, no further analysis of the environmental effects of the Project is required in accordance with Public Resources Code Section 21155.4 and CEQA Guidelines Section 15182.
- C. Community Plan Exemption.** The Project would not result in significant impacts that (1) are peculiar to the Project or project site; (2) were not previously identified as significant Project level, cumulative, or offsite effects in the WOSP EIR; or (3) were previously identified as significant effects, but as a result of substantial new information not known at the time the WOSP EIR was prepared, would increase in severity beyond that described in the EIR. Therefore, the Project would meet the criteria to be exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
- D. Qualified In-fill Exemption.** The CEQA Analysis contains in Attachment D a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The Project would not result in significant impacts that (1) are peculiar to the Project or project site; (2) were not previously identified as significant Project level, cumulative, or offsite effects in the WOSP EIR; or (3) were previously identified as significant effects, but as a result of substantial new information not known at the time the WOSP EIR was prepared, would increase in severity beyond that described in the EIR. Therefore, the Project would meet the criteria to be exempt from further environmental review in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.

III. Conclusion. Overall, based on an examination of the analysis, findings, and conclusions of the WOSP EIR, which are summarized in the CEQA Checklist, the potential environmental impacts associated with the Project have been adequately analyzed and covered in the WOSP EIR. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.

- III. Severability: The City finds that all four CEQA provisions discussed and determined to be applicable in Section II above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.
- IV. Incorporation by Reference of Statement of Overriding Considerations: The WOSP EIR identified three areas of environmental effects of the WOSP that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the WOSP EIR identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the for the WOSP EIR, approved as Section XII of the CEQA Findings

adopted by the City Council on July 15, 2014, via Resolution No. 85108 C.M.S, are all hereby incorporated by reference as if fully set forth herein.

ATTACHMENT B

CONDITIONS OF APPROVAL

STANDARD ADMINISTRATIVE CONDITIONS:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **dated January 1, 2021**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

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with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim,

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judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b. Within ten (10) calendar days of the serving of any Action as specified in subsection (a) above on the City, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

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

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

11. Public Improvements

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

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a

sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

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

14. Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP)

a. All mitigation measures identified in the 1396 5th Street CEQA Analysis Document are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 1396 5th Street CEQA Analysis Document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 1396 5th Street CEQA Analysis Document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 1396 5th Street CEQA Analysis Document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe

and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

STANDARD CONDITIONS OF APPROVAL - OTHER STANDARD CONDITIONS:

15. Public Art for Private Development

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

16. Affordable Residential Rental Units - Agreement and Monitoring

Requirement #1: Pursuant to Section 17.107 of the Oakland Planning Code and the State Density Bonus Law California Government Code Section 65915 et seq. ("State Density Bonus Law"), the proposed project shall provide a minimum of 16 target dwelling units available at very low income (as 9% of the baseline project units) for receiving a density bonus, concession and/or waiver of development standards.

Requirement #2: The approved residential affordable units that are part of this approval shall remain and continue to be affordable at the specified level in accordance with

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California Health and Safety Code Section 50053 and its implementing regulations for a term of not less than 55 years or a longer period of time if required by the construction or mortgage finance assistance program, mortgage insurance program, or rental subsidy program. This Condition of Approval must also be in compliance with Section 65915(c)(1) of the State Density Bonus Law specifically, as well as all other applicable provisions of the State Density Bonus Law.

Requirement #3: Prior to submittal of a construction-related permit, the applicant shall contact the Housing and Community Development Department (Housing Development Services Division) to enter into a Regulatory Agreement based on the City's model documents, as may be amended from time to time, governing the target dwelling units. The Agreement shall contain restrictive covenants to ensure the continued affordability of the target dwelling units at the specified rent levels for a period of not less than fifty-five (55) years pursuant Section 65915 (c)(1) of the State Density Bonus Law, and restrict the occupancy of those units only to residents who satisfy the affordability requirement as approved for this project. Only households meeting the eligibility standards for the target dwelling units shall be eligible to occupy the target dwelling units.

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

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

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

Requirement #5: The floor area, number of bedrooms, and amenities (such as fixtures, appliances, location and utilities) of the affordable units shall be substantially equal in size and quality to those of the market rate units. Further, the proportion of unit types (i.e. three-bedroom and four-bedroom, etc.) of the affordable units shall be roughly the same as the project's market rate units.

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

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

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Requirement #8: Applicant shall comply with the requirements of Section 65915(c)(3)(A) of the State Density Bonus Law requiring, without limitation, replacement units in those circumstances where the parcel subject to the density bonus requests contains or contained affordable units within the last five years.

Requirement #9: Applicants shall comply with all applicable provisions of State Density Bonus Law and all provisions of the City's density bonus law that are not preempted by state law.

Requirement #10: Affordable units shall be constructed concurrent with the construction of the market rate units in each phase of the project.

Requirement #11: The City will not issue final certificates of occupancy for more than fifty percent (50%) of the market rate units in any phase of development until final certificates of occupancy are issued for all of the affordable units in that phase.

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

Ongoing Monitoring/Inspections: Housing Development Services Division

PROJECT SPECIFIC CONDITIONS:

17. Exterior Finishes

Requirement: The final building permit plan set shall contain detailed information on all proposed exterior finishes for city approval. If requested by the Bureau of Planning sample materials shall be submitted and are subject to final approval by the Zoning Manager.

When Required: Prior to issuance of a Building Permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

18. Miscellaneous Transportation Improvement Measures

Requirement #1: Stripe “KEEP CLEAR” on southbound Kirkham Street at the project garage driveway to minimize queues blocking the project driveway.

Requirement #2: Install no stopping anytime signage on the west side of Kirkham to discourage pick-ups and drop-offs.

Requirement #3: Install directional curb ramps with truncated domes at the southeast corner of the 5th Street/Mandela Parkway intersection.

Requirement #4: Align the proposed directional curb ramp at the northeast corner of the 5th Street/ Mandela Parkway intersection with the directional curb ramp at the northwest corner of the intersection planned by the West Oakland BART Station TOD project to provide the shortest possible crossing distance of Mandela Parkway.

Requirement #5: Align the proposed directional curb ramp at the northwest corner of the 5th Street/Kirkham Street intersection with the directional curb ramp at the northeast corner

CONDITIONS OF APPROVAL

of the intersection planned by the 500 Kirkham project to provide the shortest possible crossing distance of Kirkham Street.

Requirement #6: Coordinate with the City of Oakland to implement the following for the 12 new parking spaces along the project frontage on 5th Street:

- Designate at least one parking space as passenger loading spaces (white curb) along the project frontage on 5th Street just east of Mandela Parkway to accommodate drop offs and pick-ups by private vehicle and transportation network company (TNC) vehicles.
- Designate the remaining parking spaces along the project frontage on 5th Street as metered and/or time-restricted parking to prevent BART riders from parking along the project frontage for long period.

When Required: Measures shall be submitted as part of the p-job application

Initial Approval: Bureau of Planning/DOT

Monitoring/Inspection: Bureau of Building/DOT

CONDITIONS OF APPROVAL

ATTACHMENT C

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 1396 5th Street Project (project).

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists the City’s Standard Conditions of Approval (“SCA”) identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. The SCA number that corresponds to the City’s master SCA list is provided at the end of the SCA title — e.g., SCA-AIR-1: *Dust Controls – Construction-Related (#20)*. It is noted that no mitigation measures beyond the SCAs are required for this project. Mitigation measures (MM) identified in the WOSP EIR are now included in the city’s SCA’s such as Mitigation Measure Air-9B (SCA #24), Mitigation Measure Air-9C (SCA #24 and SCA #26), and Mitigation Measure Air-10 (SCA #23) and are functionally equivalent to mitigation measures.

All SCAs identified in the CEQA Analysis which are consistent with the measures and conditions presented in the WOSP EIR, are included herein. To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column identifies the SCA and MM applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the project.
- The third column names the party responsible for monitoring the required action for the project.

The project sponsor is responsible for compliance with any recommendations in approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein 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. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Standard Conditions of Approval/ Mitigation Measures			
General			
SCA-GEN-1: Compliance with Other Requirements (#3) The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.	N/A	N/A	N/A
SCA-GEN-2: Regulatory Permits and Authorizations from Other Agencies (#15) The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.	Prior to activity requiring permit/ authorization from regulatory agency	Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning	Applicable regulatory agency with jurisdiction
Aesthetics, Shadow and Wind			
SCA-AES-1: Trash and Blight Removal (#16) The project applicant and his/her successors shall maintain the property free of blight, as defined in Chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.	Ongoing	N/A	Bureau of Building
SCA-AES-2: Graffiti Control (#17) a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:	Ongoing	N/A	Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 			
<p>SCA-AES-3: Landscape Plan (#18)</p> <p>a. <i>Landscape Plan Required</i></p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of Chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.</p> <p>b. <i>Landscape Installation</i></p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. Prior to building permit final c. Prior to approval of construction-related permit 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Planning c. N/A 	<ul style="list-style-type: none"> a. N/A b. Bureau of Building c. Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. <i>Landscape Maintenance</i> All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p> <p>SCA-AES-4: Lighting (#19) Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final	N/A	Bureau of Building
Air Quality			
<p>SCA-AIR-1: Dust Controls - Construction Related (#20) The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <p>a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</p> <p>b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>d. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</p> <p>f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>Enhanced Controls: All “Basic” controls listed above plus the following controls if the project involves:</p> <ul style="list-style-type: none"> • Extensive site preparation (i.e., the construction site is four acres or more in size); or • Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export). <p>h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.</p> <p>k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City’s Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p> <p>l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p>			

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-AIR-2: Criteria Air Pollutant Controls – Construction-Related (#21) The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”). c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed. d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met. 	<p>Basic Controls: During construction</p> <p>Enhanced Controls: Prior to issuance of a construction-related permit</p>	<p>Basic Controls: N/A</p> <p>Enhanced Controls: Bureau of Planning</p>	<p>Basic Controls: Bureau of Building</p> <p>Enhanced Controls: Bureau of Planning</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Enhanced Controls for projects exceeding CEQA thresholds for construction activity:</p> <p><i>g. Criteria Air Pollutant Reduction Measures</i> The project applicant shall retain a qualified air quality consultant to identify criteria air pollutant reduction measures to reduce the project's average daily emissions below 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</p> <p><i>h. Construction Emissions Minimization Plan</i> The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p> <p>SCA-AIR-3: Diesel Particulate Matter Controls-Construction Related (#22) <i>a. Diesel Particulate Matter Reduction Measures</i> The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:</p>			
	<p>a. Prior to issuance of a construction related permit (i), during construction (ii)</p>	<p>a. Bureau of Planning b. Bureau of Planning</p>	<p>a. Bureau of Building b. Bureau of Building</p>

Standard Conditions of Approval and Mitigation Measures			
Standard Conditions of Approval/ Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>or</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p> <p>b. <i>Construction Emissions Minimization Plan</i> (if required by a above) The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type,</p>	<p>b. Prior to issuance of a construction related permit</p>		

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p> <p>SCA-AIR-4: Exposure to Air Pollution (Toxic Air Contaminants) (#23) a. <i>Health Risk Reduction Measures</i> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> ▪ Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project 	<p>a. Prior to approval of construction-related permit</p> <p>b. Ongoing</p>	<p>a. Bureau of Planning</p> <p>b. N/A</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required.</p> <ul style="list-style-type: none"> ▪ Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). ▪ Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. ▪ The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. ▪ Sensitive receptors shall be located on the upper floors of buildings, if feasible. ▪ Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). ▪ Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. ▪ Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible. ▪ Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> ○ Installing electrical hook-ups for diesel trucks at loading docks. ○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. ○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. ○ Prohibiting trucks from idling for more than two minutes. 			

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> o Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. b. <i>Maintenance of Health Risk Reduction Measures</i> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter. <p>SCA-AIR-5: Stationary Sources of Air Pollution (Toxic Air Contaminants) (#24). The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:</p> <ul style="list-style-type: none"> a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable. - or - b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for 	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. Prior to approval of construction-related permit 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Planning 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building

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	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> i. Installation of non-diesel fueled generators, if feasible, or; ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. 			
Cultural Resources			
<p>SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction (#32)</p> <p>Pursuant to CEQA Guidelines Section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval and Mitigation Measures		
When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p>SCA-CUL-2: Archaeologically Sensitive Areas – Pre-Construction Measures (#33) The project applicant shall implement either Provision A (Intensive Pre-Construction Study) <u>or</u> Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. A report disseminating the results of this research. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. 	<p>Prior to approval of construction-related permit;</p> <p>Bureau of Building; Bureau of Planning</p>	<p>Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p>Provision B: Construction ALERT Sheet. The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes);</p>			

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	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>			
<p>SCA-CUL-3: Human Remains – Discovery During Construction (#34)</p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>	During construction	N/A	Bureau of Building
<p>Geology, Soils and Geohazards</p>			
<p>SCA-GEO-1: Construction-Related Permit(s) (#36)</p> <p>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p>SCA-GEO-2: Seismic Hazards Zone (Landslide/Liquefaction) (#39)</p> <p>The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>			
<p>Greenhouse Gas Emissions</p>			
<p>SCA-GHG-1: Project Compliance with the Equitable Climate Action Checklist (#41) The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase. a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction. c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.</p>	<p>a. Prior to approval of construction-related permit. b. During Construction c. Ongoing</p>	<p>a. Bureau of Planning b. Bureau of Planning c. Bureau of Planning</p>	<p>a. Bureau of Planning b. Bureau of Building c. Bureau of Planning</p>
<p>Hazards and Hazardous Materials</p>			
<p>SCA-HAZ-1: Hazardous Materials Related to Construction (#42) The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacturer's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</p>	<p>During construction</p>	<p>N/A</p>	<p>Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>d. Properly dispose of discarded containers of fuels and other chemicals;</p> <p>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</p> <p>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment.</p> <p>Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>			
<p>SCA-HAZ-2: Hazardous Building Materials and Site Contamination (#43)</p> <p><i>a. Hazardous Building Materials Assessment</i></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any</p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p>b. Prior to building permit final</p>	<p>a. Bureau of Building</p> <p>b. Oakland Fire Department</p>	<p>a. Bureau of Building</p> <p>b. Oakland Fire Department</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. <i>Environmental Site Assessment Required</i></p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 			
<p>SCA-HAZ-3: Hazardous Materials Business Plan (#45)</p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 	Prior to building permit final	Oakland Fire Department	Oakland Fire Department

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Standard Conditions of Approval/ Mitigation Measures			
Hydrology and Water Quality			
<p>SCA-HYD-1: Erosion and Sedimentation Control Measures for Construction (#48) The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.</p>	During construction	N/A	Bureau of Building
<p>SCA-HYD-2: State Construction General Permit (#50) The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.</p>	Prior to approval of construction-related permit	State Water Resources Control Board; evidence of compliance submitted to Bureau of Building	State Water Resources Control Board
<p>SCA-HYD-3: Source Control Measures to Limit Stormwater Pollution (#53) Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following: <ul style="list-style-type: none"> a. Stencil storm drain inlets “No Dumping – Drains to Bay;” b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: <ul style="list-style-type: none"> f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; </p>			

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;</p> <p>i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and</p> <p>j. Fire sprinkler test water if discharge to on-site vegetated areas is not feasible.</p>			
<p>SCA-HYD-4: NPDES C.3 Stormwater Requirements for Regulated Projects (#54).</p> <p>a. <i>Post-Construction Stormwater Management Plan Required</i></p> <p>The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ol style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. <p>b. <i>Maintenance Agreement Required</i></p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ol style="list-style-type: none"> i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and 	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to building permit final</p>	<p>a. Bureau of Planning; Bureau of Building</p> <p>b. Bureau of Building</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>ii. 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.</p> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>			
Noise			
<p>SCA-NOI-1: Construction Days/Hours (#62) The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents’/occupants’ preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p>SCA-NOI-2: Construction Noise (#63)</p> <p>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. Applicant shall use temporary power poles instead of generators where feasible. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. 	<p>During construction</p>	<p>N/A</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p> <p>SCA-NOI-3: Extreme Construction Noise (#64)</p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. <p><i>b. Public Notification Required</i></p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the</p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. During construction 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building 	<ul style="list-style-type: none"> a. Bureau of Building b. Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p> <p>SCA-NOI-4: Construction Noise Complaints (#66) The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> Designation of an on-site construction complaint and enforcement manager for the project; A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. <p>SCA-NOI-5: Exposure to Community Noise (#67). The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities <p>SCA NOI-6: Operational Noise (#68) Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of Chapter</p>	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>
	<p>Ongoing</p>	<p>N/A</p>	<p>Bureau of Building</p>

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>17.120 of the Oakland Planning Code and Chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p> <p>SCA-NOI-7: Exposure to Vibration (#69) The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a “spring isolation” system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above. b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project’s structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene). 	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>
Public Services and Recreation			
<p>SCA-PUB-1: Capital Improvements Impact Fee (#73) The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (Chapter 15.74 of the Oakland Municipal Code).</p>	<p>Prior to issuance of building permit</p>	<p>Bureau of Building</p>	<p>N/A</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Transportation and Circulation</p> <p>SCA-TRAN-1: Construction Activity in the Public Right-of-Way (#75) <i>a. Obstruction Permit Required</i> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p> <p><i>b. Traffic Control Plan Required</i> In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p><i>c. Repair of City Streets</i> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p>SCA-TRAN-2: Bicycle Parking (#76) The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to approval of construction-related permit</p> <p>c. Prior to building permit final</p>	<p>a. Department of Transportation</p> <p>b. Department of Transportation</p> <p>c. N/A</p>	<p>a. Department of Transportation</p> <p>b. Department of Transportation</p> <p>c. Department of Transportation</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-TRAN-3: Transportation Improvements (#77)</p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum 	<p>Prior to building permit final or as otherwise specified</p>	<p>Bureau of Building; Department of Transportation</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner) 			
<p>SCA-TRAN-4: Transportation and Parking Demand Management (#78)</p> <p><i>a. Transportation and Parking Demand Management (TDM) Plan Required</i> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <ul style="list-style-type: none"> i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> ▪ Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. ▪ Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> ○ Projects generating 50-99 net new AM or PM peak hour vehicle trips: 10 percent VTR ○ Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR ○ Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. ○ Enhance the City’s transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> ▪ Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. ▪ Proposed TDM strategies to achieve VTR goals (see below). 	<ul style="list-style-type: none"> a. Prior to approval of planning application b. Prior to building permit final c. Ongoing 	<ul style="list-style-type: none"> a. Bureau of Planning b. Bureau of Building c. Department of Transportation 	<ul style="list-style-type: none"> a. N/A b. Bureau of Building c. Department of Transportation

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<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.</p> <p>iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.</p>				
Improvement	Required by code or when...			
Bus boarding bulbs or islands	<ul style="list-style-type: none"> ▪ A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or ▪ A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 			
Bus shelter	<ul style="list-style-type: none"> ▪ A stop with no shelter is located within the project frontage, or ▪ The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 			
Concrete bus pad	<ul style="list-style-type: none"> ▪ A bus stop is located along the project frontage and a concrete bus pad does not already exist 			
Curb extensions or bulb-outs	<ul style="list-style-type: none"> ▪ Identified as an improvement within site analysis 			
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> ▪ A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and ▪ The project would generate 500 or more daily bicycle trips 			
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> ▪ A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and ▪ The project would generate 400 or more peak period transit trips 			
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape;	<ul style="list-style-type: none"> ▪ Always required 			

		Standard Conditions of Approval and Mitigation Measures		
		When Required	Initial Approval	Monitoring/ Inspection
Standard Conditions of Approval/ Mitigation Measures				
and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection 			
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 			
In-street bicycle corral	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Intersection improvements ^a	<ul style="list-style-type: none"> Always required 			
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required 			
No monthly permits and establish minimum price floor for public parking ^b	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 			
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 			
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 - 200 units, then one car share space per 200 units. Typically required 			
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 			
Pedestrian-supportive signal changes ^c	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 			

Standard Conditions of Approval/ Mitigation Measures		Standard Conditions of Approval and Mitigation Measures		
		When Required	Initial Approval	Monitoring/ Inspection
<p>Real-time transit information system</p> <ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 				
<p>Relocating bus stops to far side</p> <ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 				
<p>Signal upgrades^d</p> <ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years 				
<p>Transit queue jumps</p> <ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 				
<p>Trenching and placement of conduit for providing traffic signal interconnect</p> <ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect 				
<p>Unbundled parking</p> <ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 				

^a Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

^b May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

^c Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

^d Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

v. Other TDM strategies to consider include, but are not limited to, the following:

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> i. Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in Chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. ii. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. iii. Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. iv. Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oako42662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oako25595.pdf, respectively) And any applicable streetscape plan. v. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. vi. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). vii. Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. viii. Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). 			

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> ix. Guaranteed ride home program for employees, either through 511.org or through separate program. x. Pre-tax commuter benefits (commuter checks) for employees. xi. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. xii. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. xiii. Distribution of information concerning alternative transportation options. xiv. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. xv. Parking management strategies including attendant/valet parking and shared parking spaces. xvi. Requiring tenants to provide opportunities and the ability to work off-site. xvii. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). xviii. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. xix. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report. <p>b. TDM Implementation – Physical Improvements</p>			

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p>c. <i>TDM Implementation – Operational Strategies</i></p> <p>For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>			
<p>SCA-TRAN-5: Transportation Impact Fee (#79)</p> <p>The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (Chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	Bureau of Building	N/A
<p>SCA-TRAN-6: Plug-In Electric Vehicle (PEV) Charging Infrastructure (#81)</p> <p>a. <i>PEV-Ready Parking Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code.</p> <p>Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p> <p>b. <i>PEV-Capable Parking Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable</p>	<p>a. Prior to issuance of building permit</p> <p>b. Prior to issuance of building permit</p> <p>c. Prior to issuance of building permit</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>	<p>a. Bureau of Building</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p>c. <i>ADA-Accessible Spaces</i></p> <p>The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).</p>			
<p>Utilities and Service Systems</p>			
<p>SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling (#82)</p> <p>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	<p>Prior to approval of construction-related permit</p>	<p>Public Works Department, Environmental Services Department</p>	<p>Public Works Department, Environmental Services Department</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>SCA-UTIL-2: Underground Utilities (#83) The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction	N/A	Bureau of Building
<p>SCA-UTIL-3: Recycling Collection and Storage Space (#84) The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p>SCA-UTIL-4: Green Building Requirements (#85)</p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code).</p> <p><i>i.</i> The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> ▪ Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. ▪ Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. ▪ Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. 	<p>a. Prior to approval of construction-related permit</p> <p>b. During construction</p> <p>c. Prior to final approval</p>	<p>a. Bureau of Building</p> <p>b. N/A</p> <p>c. Bureau of Planning</p>	<p>a. N/A</p> <p>b. Bureau of Building</p> <p>c. Bureau of Building</p>

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> ▪ Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. ▪ Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. ▪ Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. ▪ Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> ▪ CALGreen mandatory measures ▪ 23 points per the appropriate checklist approved during the Planning entitlement process. ▪ All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. ▪ The required green building point minimums in the appropriate credit categories. <p>b. <i>Compliance with Green Building Requirements During Construction</i> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ul style="list-style-type: none"> i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. 			

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</p> <p>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p> <p>c. <i>Compliance with Green Building Requirements After Construction</i> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>			
<p>SCA-UTIL-5: Sanitary Sewer System (#87) The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit	Public Works Department, Department of Engineering and Construction	N/A
<p>SCA-UTIL-6: Storm Drain System (#88) The project storm drainage system shall be designed in accordance with the City of Oakland’s Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p>SCA-UTIL-7: Recycled Water (#89) Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. The project applicant shall contact the New Business Office of the</p>	Prior to approval of construction-related permit	Bureau of Planning; Bureau of Building	Bureau of Building

	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.</p>			
<p>SCA-UTIL-8: Water Efficient Landscape Ordinance (WELo) (#90) The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELo) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELo.</p> <p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p> <p><i>Performance Measures</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following</p> <p>a. Project Information:</p> <ol style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and 	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/ Mitigation Measures	Standard Conditions of Approval and Mitigation Measures Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <ul style="list-style-type: none"> viii. Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil Management Report d. Landscape Design Plan e. Irrigation Design Plan, and f. Grading Plan <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p>			
Other Standard Conditions			
<p>SCA-OTHER-1: Public Art for Private Development (#93). The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit Installation of art/cultural space –</p>	Bureau of Planning	Bureau of Building

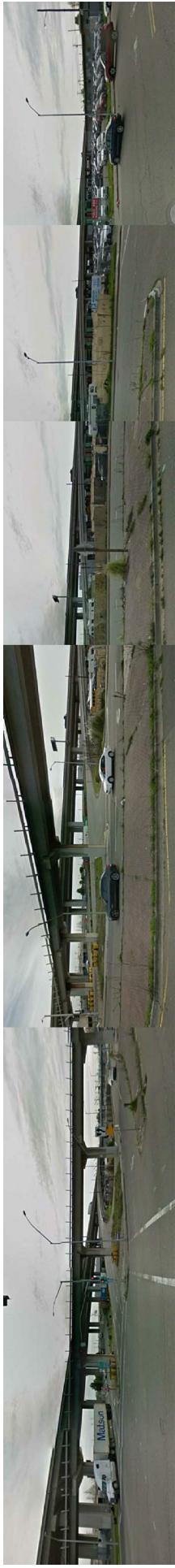
	Standard Conditions of Approval and Mitigation Measures		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Standard Conditions of Approval/ Mitigation Measures</p> <p>described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>	<p>Prior to Issuance of a Certificate of Occupancy.</p>		

GOLDEN WEST

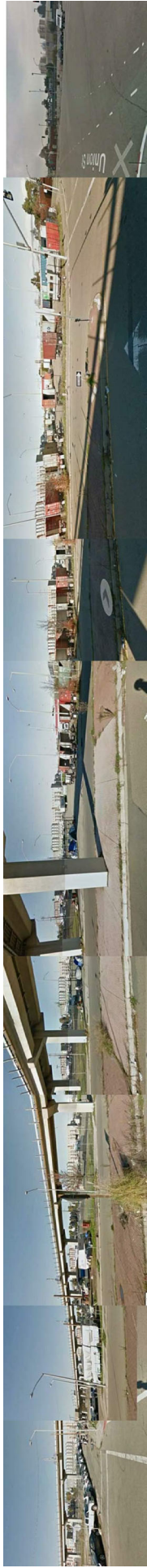
PLANNING COMMISSION 01/01/21



**1396 5TH STREET
WEST OAKLAND, CA**



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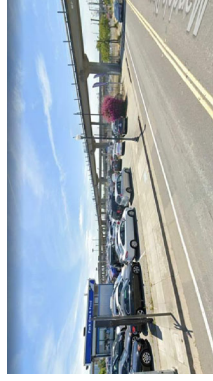
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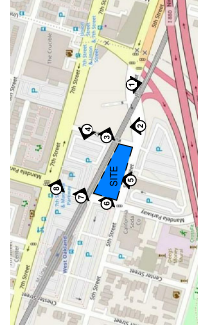
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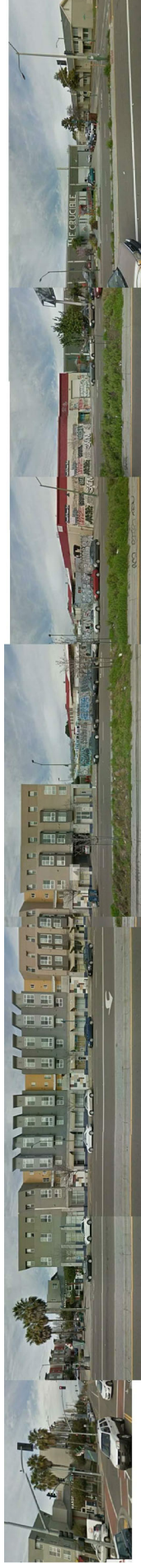


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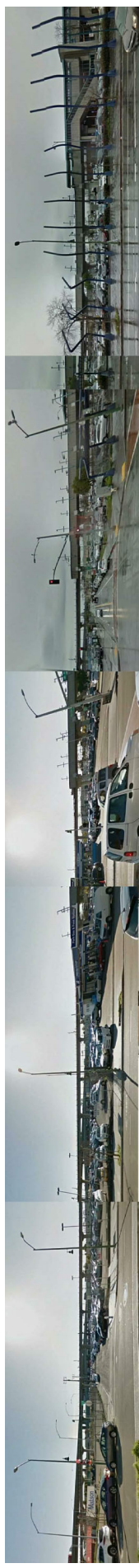


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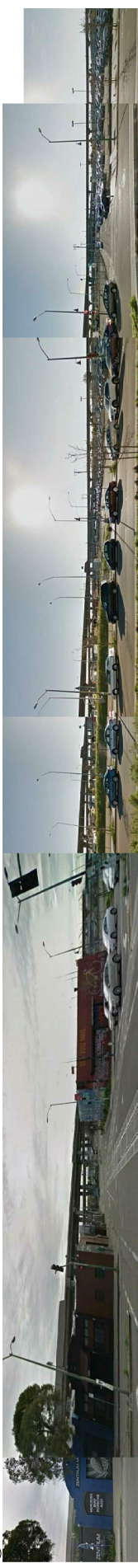




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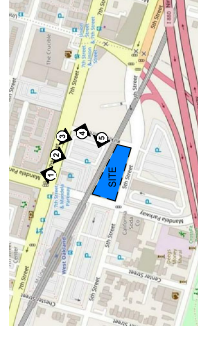
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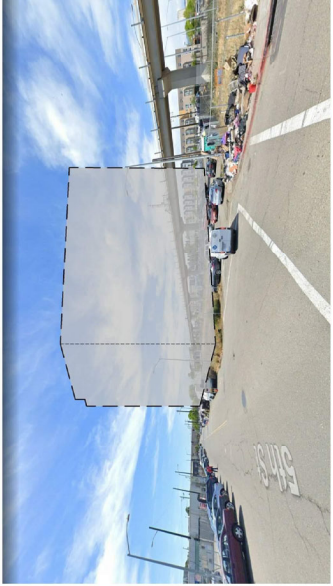


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5TH ST. & MANDELA PKWY - CORNER 6



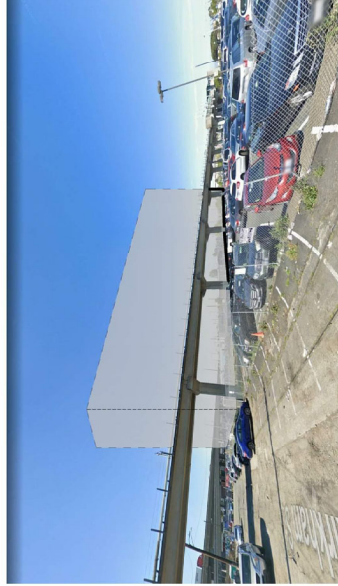
5TH ST. & KIRKHAM ST. CORNER 4



7TH STREET ACROSS FROM PARKING ENTRANCE 2



MANDELA PKWY NEAR 7TH ST. 5



KIRKHAM ST. NEAR 7TH ST. 3



KEY PLAN 1
1/8" = 1'-0"

EBMUD FIRE SERVICE AVAILABLE FLOW & PRESSURE INFORMATION

Property Information:

1396 5th Street
OAKLAND, 94607

NBO: KWALTERS Engineer, ILOPEZ Supervisor: JMC GREGO Date: 2020-02-05

09:35:51.0 STATEMENT OF DESIGN CRITERIA USED FOR FIRE SPRINKLER DESIGN

The following available flow and pressure information is based on a Maximum Day Demand Hydraulic Model Analysis of EBMUD's water distribution system. This information should be used as a guideline of the approximate available flow. It is recommended that a design allowance be made for possible reductions in pressure and/or flow that could occur under other possible scenarios. Applicant understands that the District cannot guarantee any specific values for pressure and flow. If you have any questions, please contact us at nbo@ebmud.com or call (510)287-1008.

Available flow and pressure at possible fire service connection for above property:

Possible Fire Service Connection #1

Off of the 8-inch main (8C33) in Mandela Parkway, on the east side of Mandela Parkway, approximately 115 feet north of 5th Street.

Pressure Zone: CENTRAL
Connection Point Elevation (feet): 11
Connection Point Static Pressure (psi): 59
Residual Pressure at 750 gpm (psi): 58
Residual Pressure at 1500 gpm (psi): 55

Possible Fire Service Connection #2

Off of the 10-inch main (10C07) in 5th Street, on the north side of 5th Street, approximately 200 feet east of Mandela Parkway.

Pressure Zone: CENTRAL
Connection Point Elevation (feet): 10
Connection Point Static Pressure (psi): 60
Residual Pressure at 750 gpm (psi): 58
Residual Pressure at 1500 gpm (psi): 56

Possible Fire Service Connection #3

Off of the 4-inch main (4C94) in Kirkham Street, on the west side of Kirkham Street, approximately 60 feet north of 5th Street.

Pressure Zone: CENTRAL
Connection Point Elevation (feet): 11
Connection Point Static Pressure (psi): 59
Residual Pressure at 250 gpm (psi): 58
Residual Pressure at 500 gpm (psi): 53

Engineer's Comments: The pressure and flow information stated is available at the street main connection in 5th Street and Mandela Parkway. Fire service connection point in Kirkham Street is not available due to 4-inch main. Available flow in Kirkham Street is limited to 500 gpm due to 4-inch main. If the fire service is to be located in Kirkham Street, offsite pipeline improvements, at the applicant's expense, would be required to meet fire flow requirements set by the local fire agency. Offsite pipeline improvements include, but are not limited to, replacement of existing water mains to the project site.

Flow and pressure data is valid for one year after the approval date. You will need to submit a new request and pay applicable fee after the expiration date.

Request Number: 6507

I, _____, designer of the fire sprinkler system located at the property address referenced on the above Request Number, used the following flow information to design the fire sprinkler system: Static Pressure _____ Flow (gpm): _____

Residual Pressure (psi): _____

Maximum total fire flow requirement (gpm): _____

The fire sprinkler design or underground fire plan has been approved by the _____ (Fire Agency with Jurisdiction) Fire Marshal, and a copy of the signed and approved plan is attached.

The fire sprinkler design complies with EBMUD's standard backflow requirements, as described in the Private Fire Service pamphlet.

Please choose the service size from the list of Standard Fire Service Sizes shown below:

- 1-1/2 inch, maximum 100 GPM
- 2 inch, maximum 160 GPM
- 4 inch, maximum 600 GPM
- 6 inch, maximum 1350 GPM
- 8 inch, maximum 2340 GPM
- 10 inch, maximum 4400 GPM
- 12 inch, case-by-case

NOTE: Service size chosen above must match size shown on plans.

Fire Sprinkler Designer, Signature and

Date: Please return a copy of EBMUD's Fire Service Available Flow And Pressure Information results with the signed Statement of Design Criteria Used For Fire Sprinkler Design form when applying for a fire service.

NEW HOME RATING SYSTEM, VERSION 1.1

MULTIFAMILY

This is a performance-based system that allows for a wide range of design options and construction methods. It is designed to be flexible and adaptable to various building types and materials. The system is based on a set of performance goals that are defined in terms of energy, water, and indoor air quality. The system is designed to be easy to use and understand, and it is intended to be a valuable tool for developers, designers, and builders.

Category	Performance Goals						
	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Digit Download from New Home Rating System v1.1

Digit Download from New Home Rating System v1.1

Digit Download from New Home Rating System v1.1

Digit Download from New Home Rating System v1.1

Digit Download from New Home Rating System v1.1

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Category	Energy	Water	Indoor Air Quality	Acoustics	Lighting	Thermal	Other
1396 5th Street	1.0	1.0	1.0	1.0	1.0	1.0	1.0

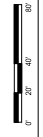
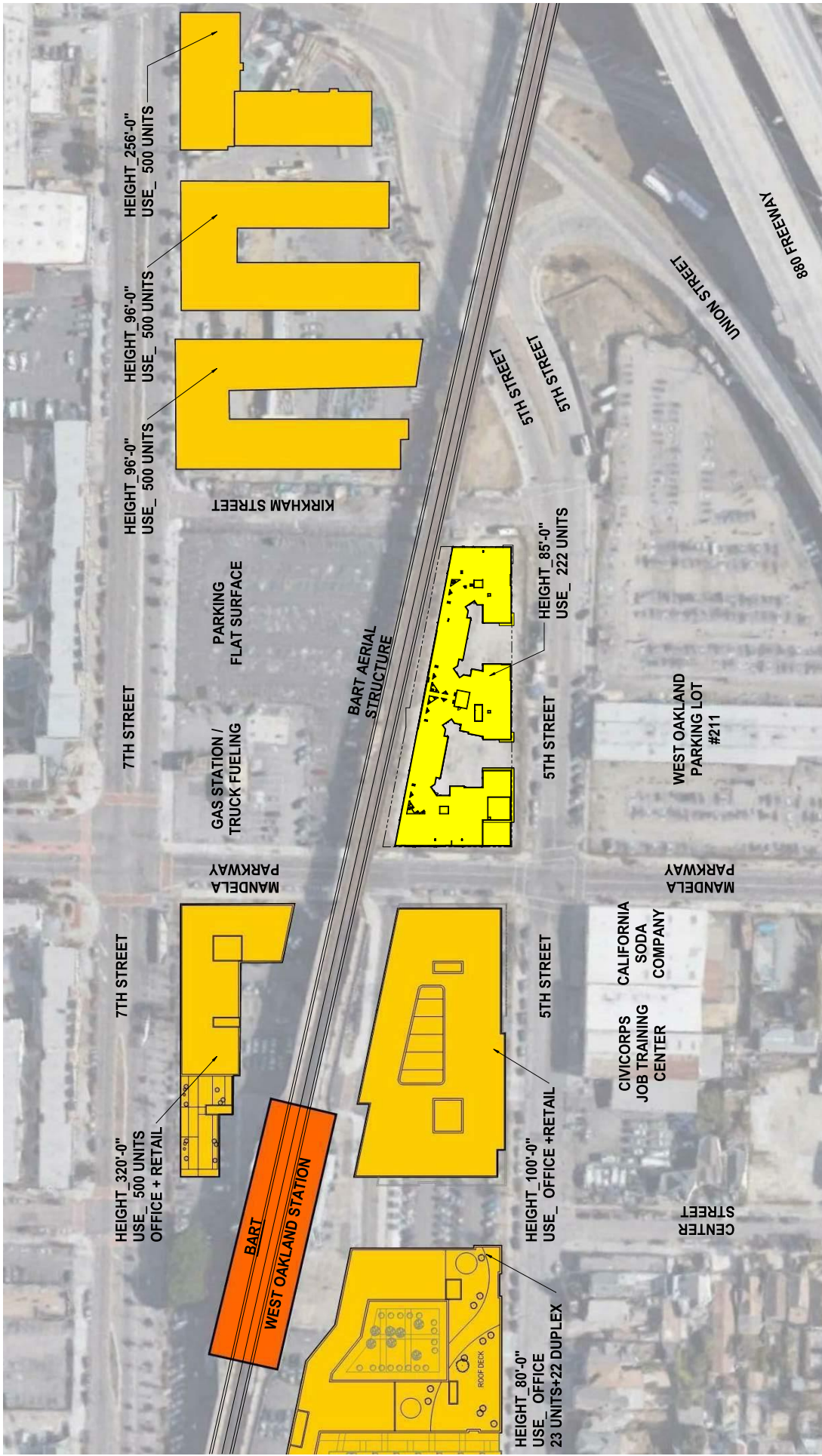
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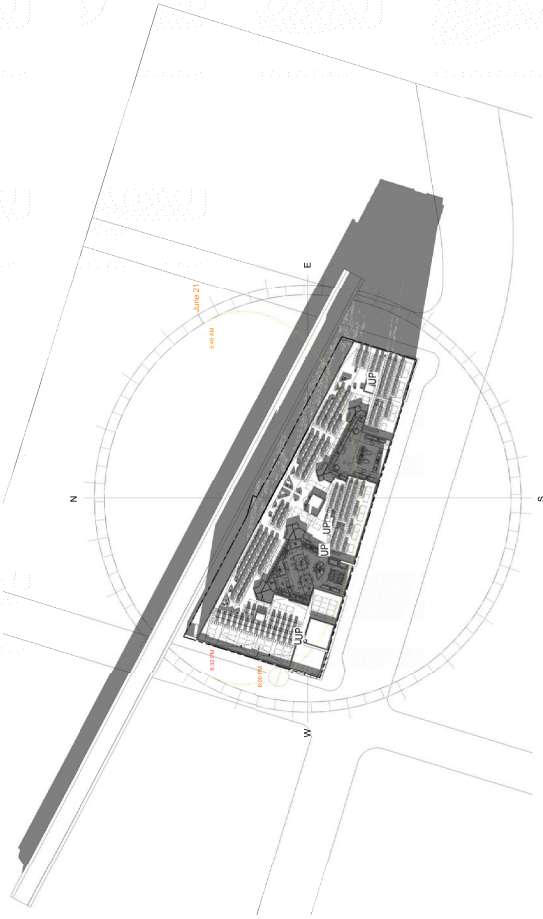
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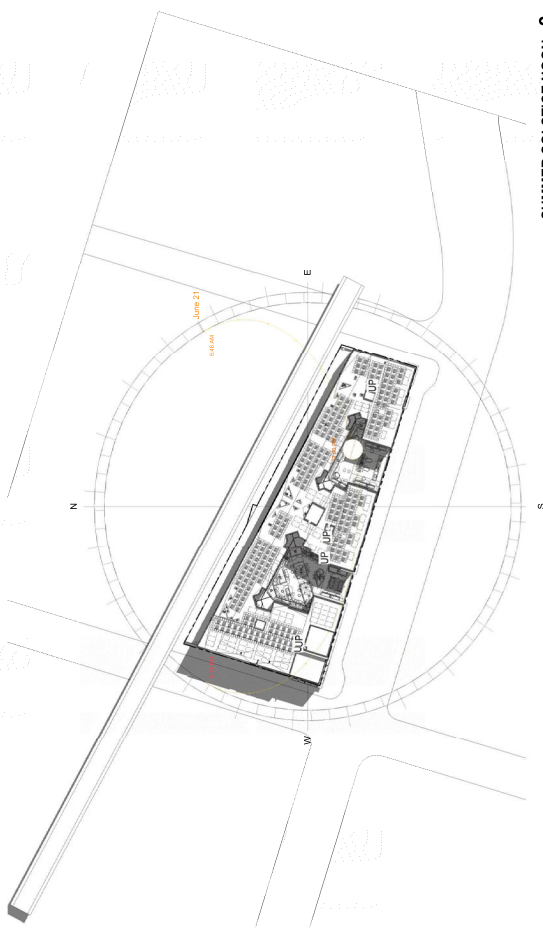
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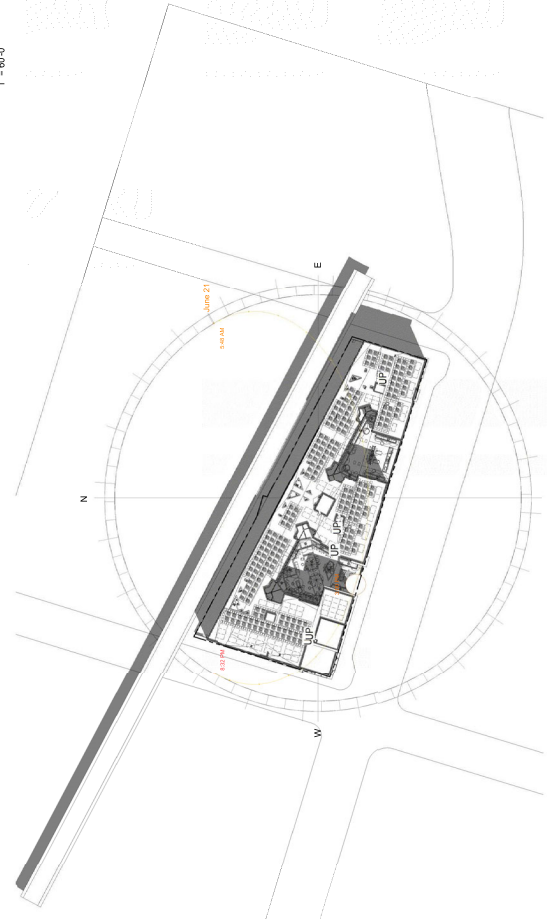




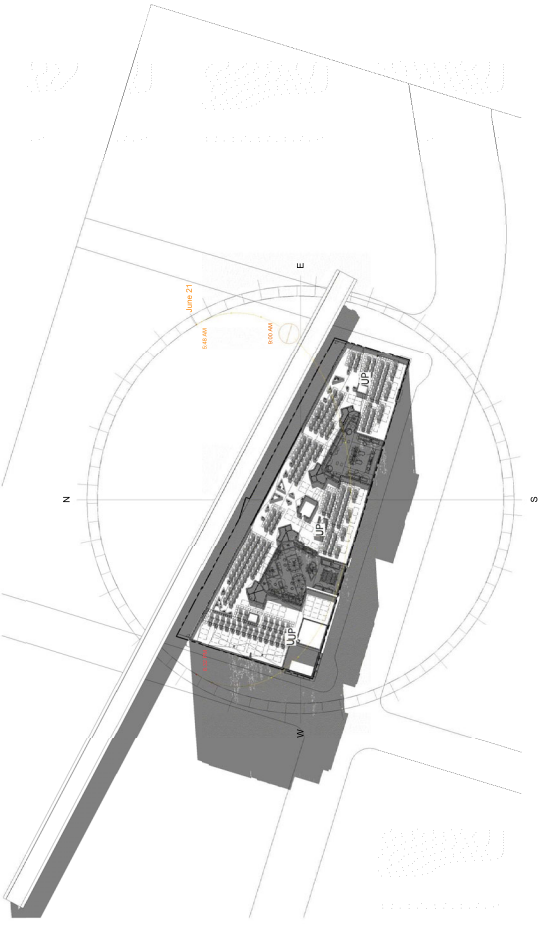
SUMMER SOLSTICE 6 PM 4
1" = 60'-0"



SUMMER SOLSTICE NOON 2
1" = 60'-0"



SUMMER SOLSTICE 3 PM 3
1" = 60'-0"



SUMMER SOLSTICE 9 AM 1
1" = 60'-0"



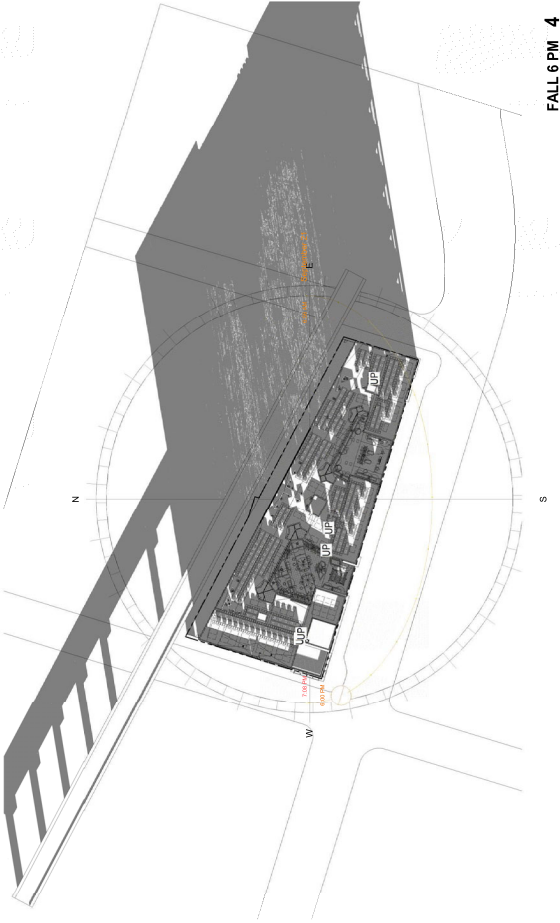
SHADOW STUDY
PLANNING
COMMISSION
1396 5TH STREET
WEST OAKLAND, CA
01/01/21

G.08

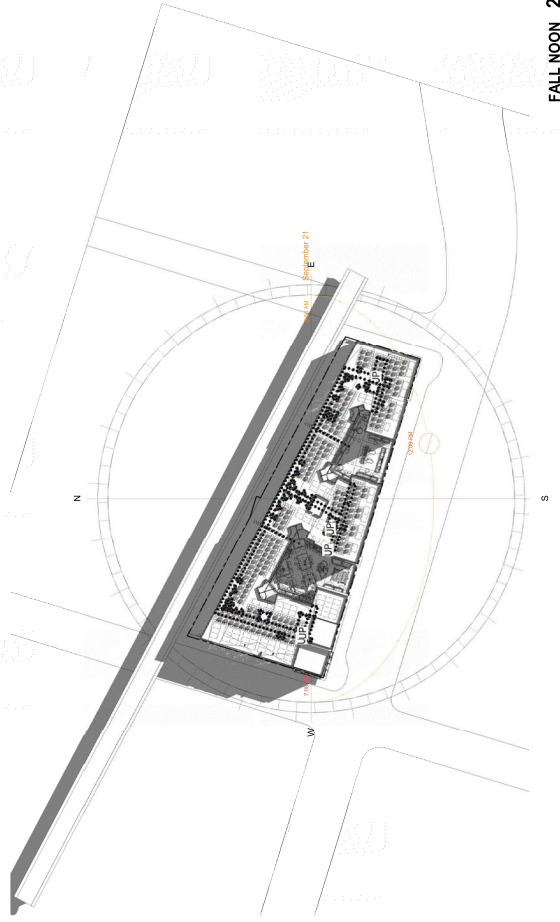
GOLDEN WEST



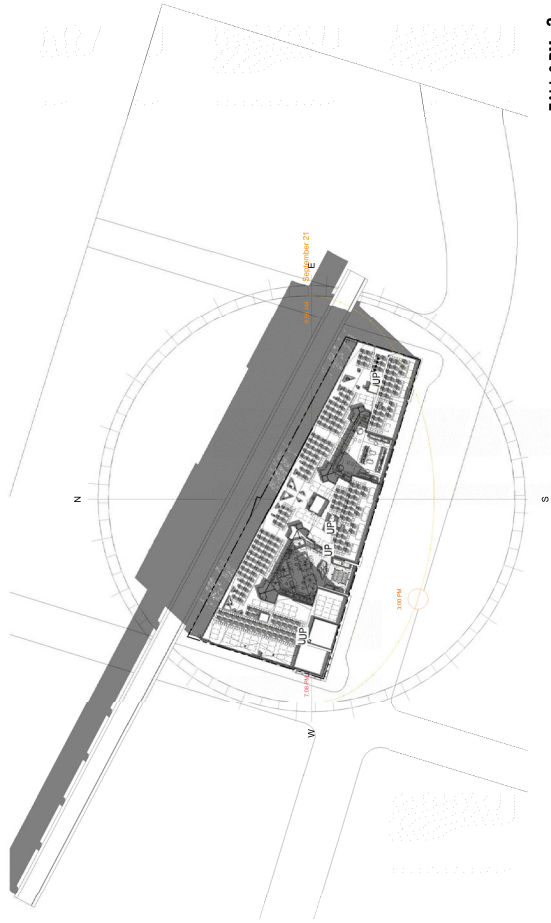
COMUNITIES THAT LIVE



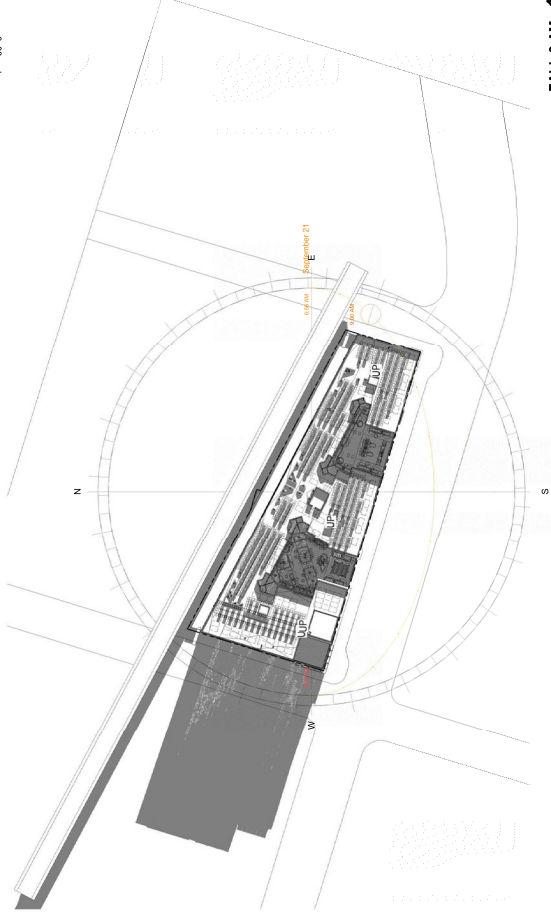
FALL 6 PM 4
1" = 60'-0"



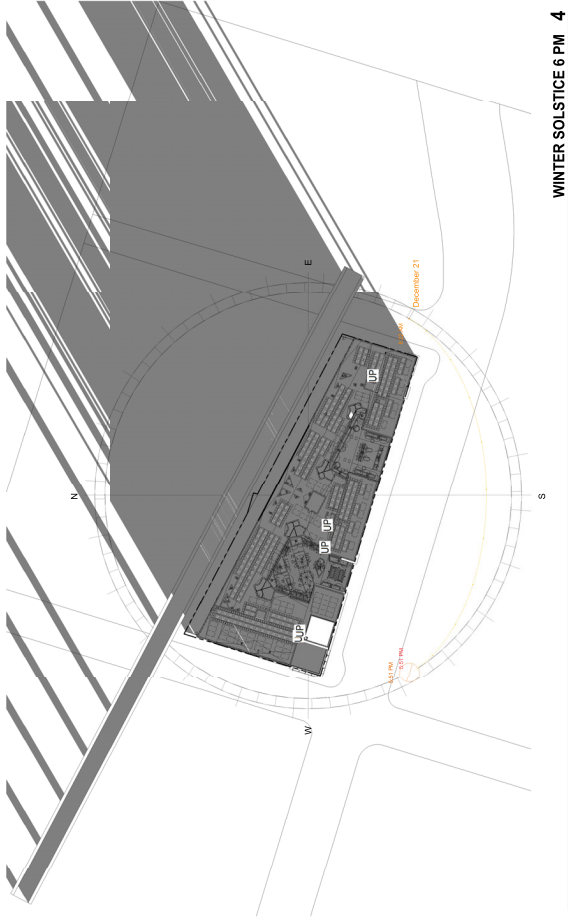
FALL NOON 2
1" = 60'-0"



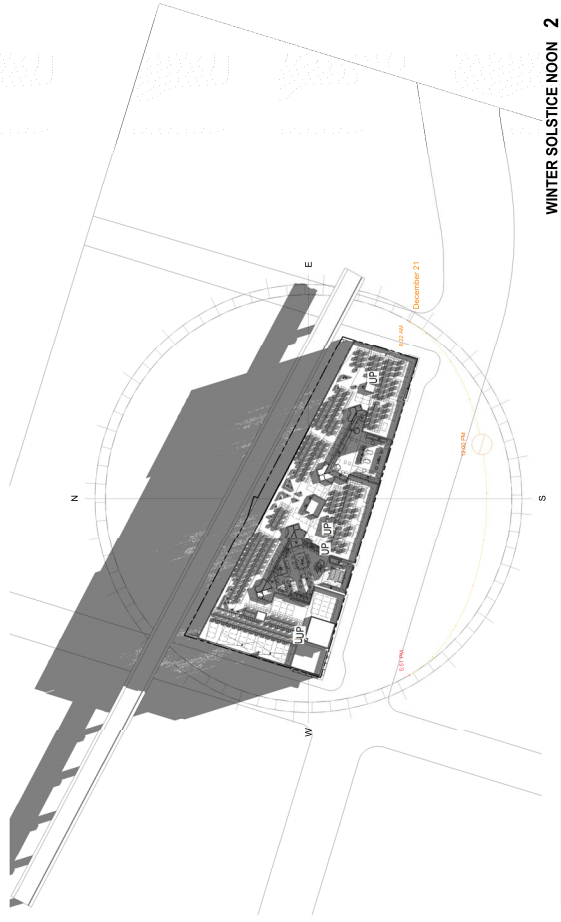
FALL 3 PM 3
1" = 60'-0"



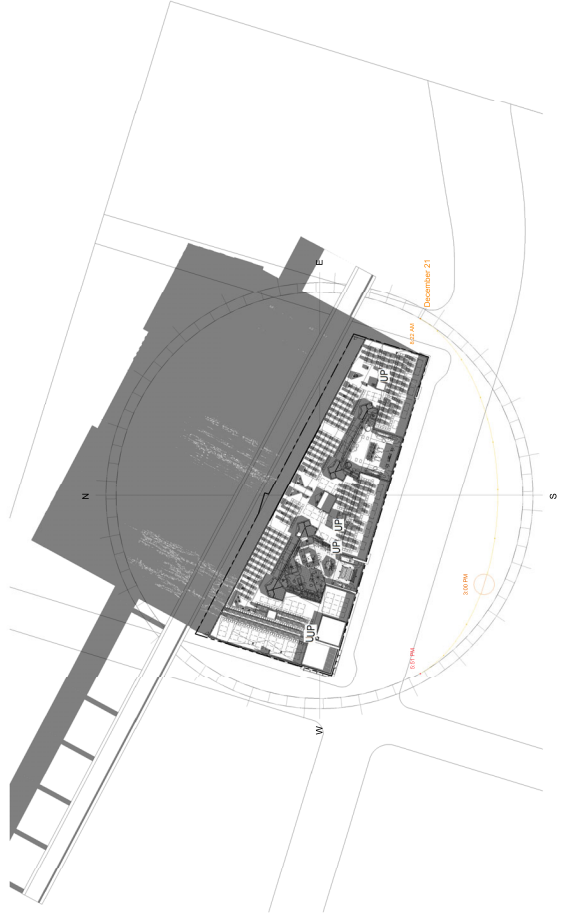
FALL 9 AM 1
1" = 60'-0"



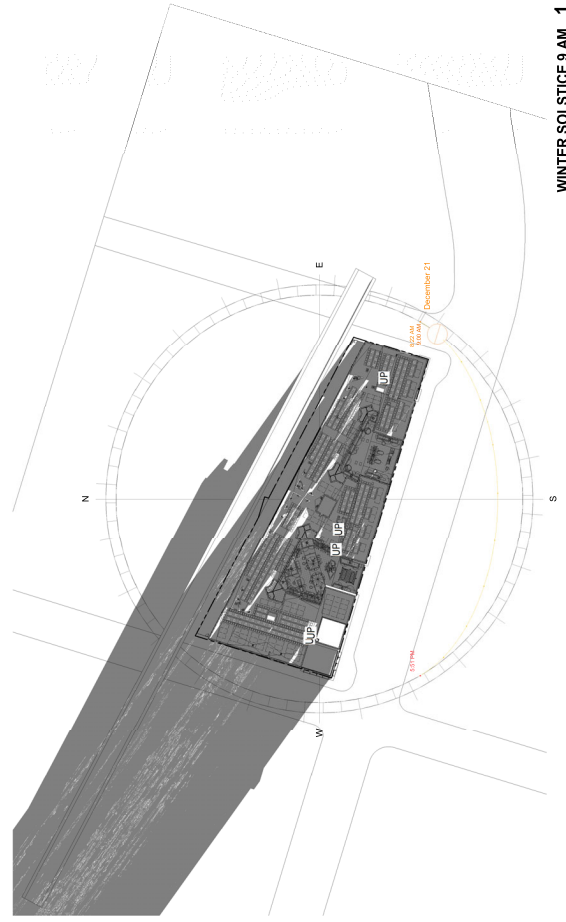
WINTER SOLSTICE 6 PM 4
1" = 60'-0"



WINTER SOLSTICE NOON 2
1" = 60'-0"



WINTER SOLSTICE 3 PM 3
1" = 60'-0"



WINTER SOLSTICE 9 AM 1
1" = 60'-0"

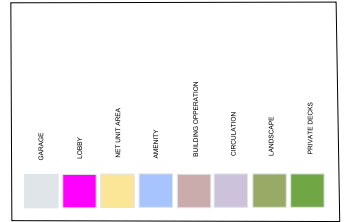
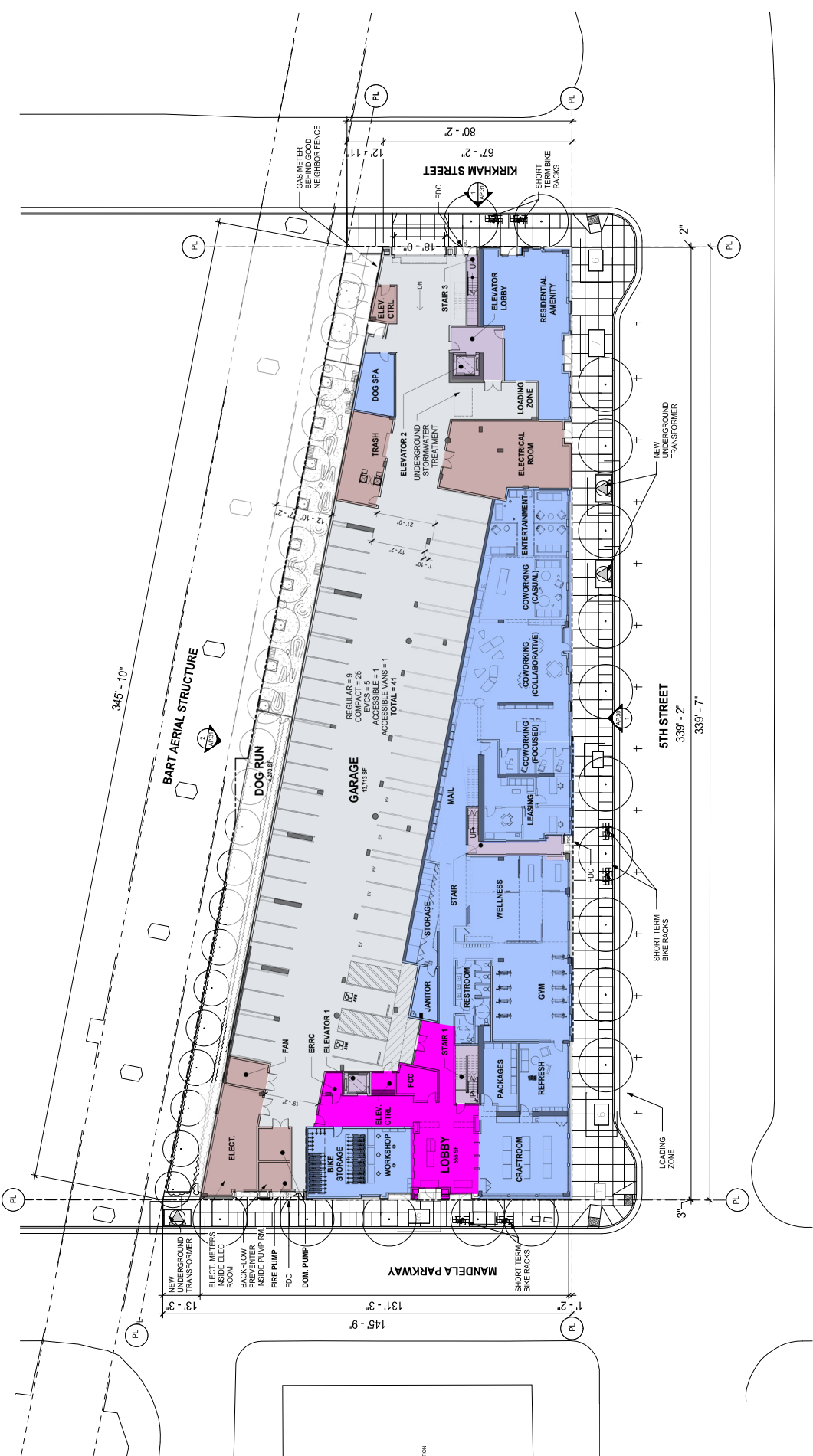


1396 5TH STREET
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01/01/21

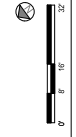
GOLDEN WEST

Michaels
COMMUNITIES THAT LIVE

BDE
ARCHITECTURE



FLOOR 1 1
1/16" = 1'-0"



FLOOR 1 PLAN
AP.01

1396 5TH STREET
WEST OAKLAND, CA
01/01/21
PLANNING
COMMISSION

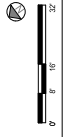
GOLDEN WEST





FLOOR 2 1
1/16" = 1'-0"

[Grey Box]	GARAGE
[Pink Box]	LOBBY
[Yellow Box]	NET UNIT AREA
[Blue Box]	AMENITY
[Brown Box]	BUILDING OPERATION
[Purple Box]	CIRCULATION
[Green Box]	LANDSCAPE
[Dark Green Box]	PRIVATE DECKS



FLOOR 2 PLAN
AP.02

PLANNING
COMMISSION
01/01/21

1396 5TH STREET
WEST OAKLAND, CA

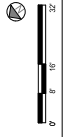
GOLDEN WEST





[Grey Box]	GARAGE
[Pink Box]	LOBBY
[Yellow Box]	NET UNIT AREA
[Blue Box]	AMENITY
[Light Blue Box]	BUILDING OPERATION
[Light Purple Box]	CIRCULATION
[Green Box]	LANDSCAPE
[Dark Green Box]	PRIVATE DECKS

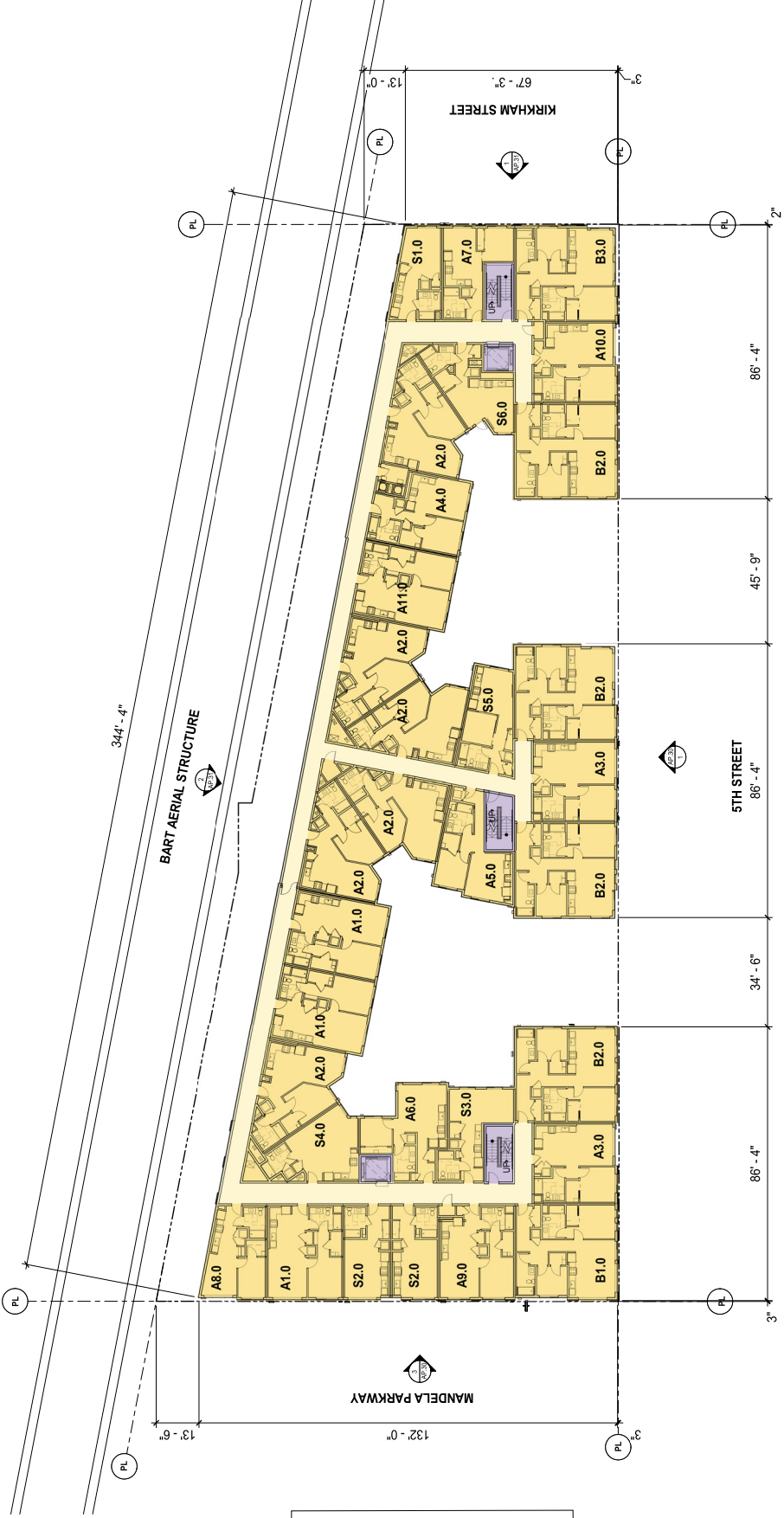
FLOORS 3-7 1
1/16" = 1'-0"



PLANNING COMMISSION
1396 5TH STREET
WEST OAKLAND, CA
01/01/21
AP-03

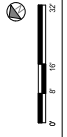
GOLDEN WEST





[Grey Box]	GARAGE
[Pink Box]	LOBBY
[Yellow Box]	NET UNIT AREA
[Blue Box]	AMENITY
[Brown Box]	BUILDING OPERATION
[Purple Box]	CIRCULATION
[Green Box]	LANDSCAPE
[Dark Green Box]	PRIVATE DECKS

PLANNING - SITE PLAN - FLOOR 5 1
1/16" = 1'-0"



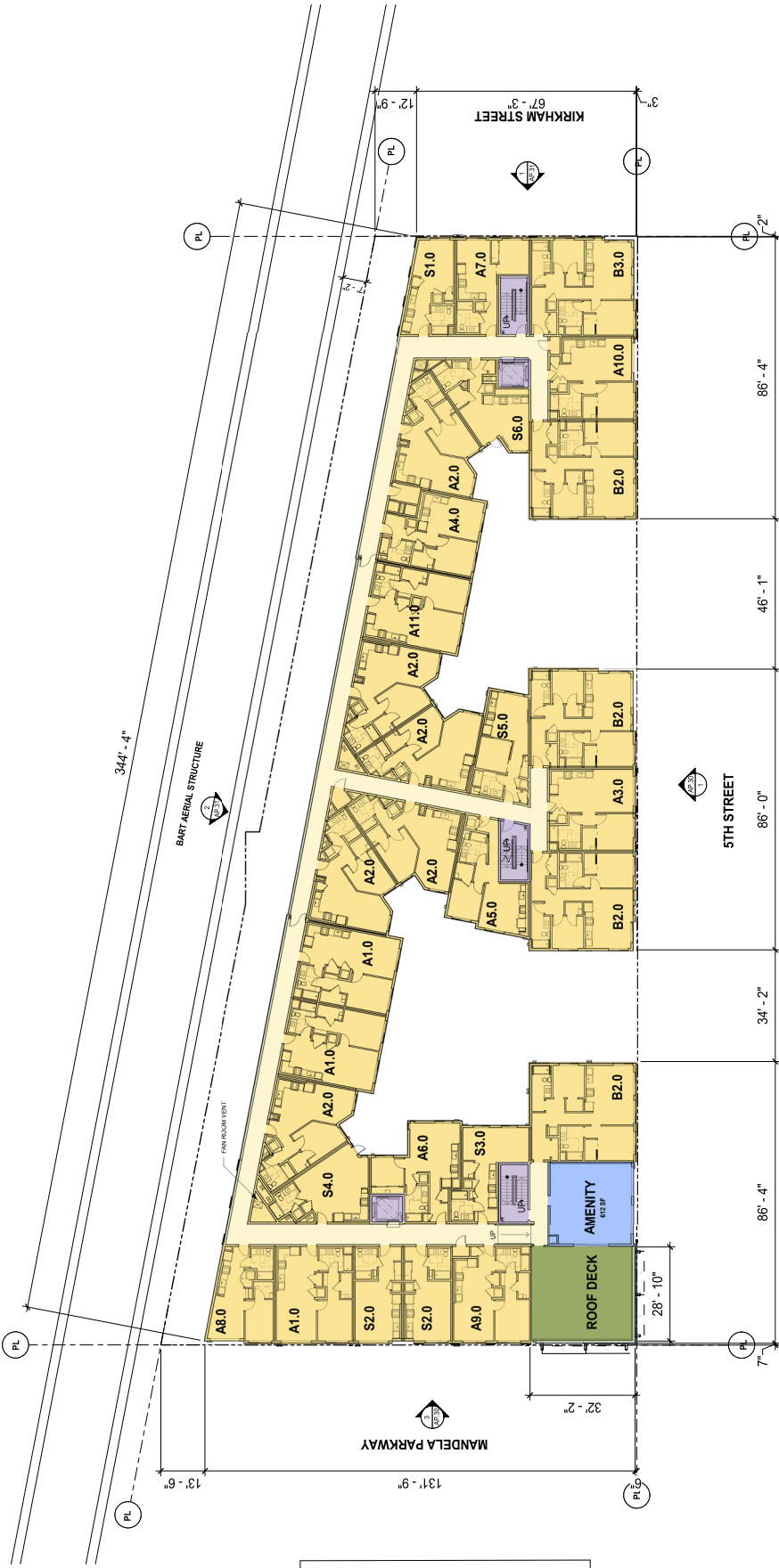
FLOOR 4-7 PLAN
AP.04

1396 5TH STREET
WEST OAKLAND, CA

12/23/20

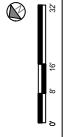
GOLDEN WEST





[Grey Box]	GARAGE
[Pink Box]	LOBBY
[Yellow Box]	NET UNIT AREA
[Blue Box]	AMENITY
[Light Blue Box]	BUILDING OPERATION
[Light Green Box]	CIRCULATION
[Green Box]	LANDSCAPE
[Dark Green Box]	PRIVATE DECKS

FLOOR 8 PLAN
1/16" = 1'-0"



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WEST OAKLAND, CA
01/01/21
PLANNING
COMMISSION

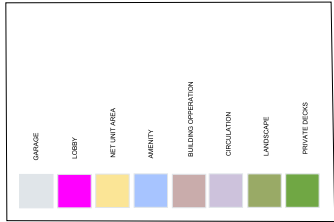
1396 5TH STREET
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1396 5TH STREET
WEST OAKLAND, CA
01/01/21
PLANNING
COMMISSION

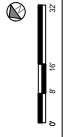
1396 5TH STREET
WEST OAKLAND, CA
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PLANNING
COMMISSION



GOLDEN WEST



PLANNING - SITE PLAN - ROOF Copy 1 1
1/16 = 1'-0"



ROOF PLAN
AP.06

PLANNING
COMMISSION
01/01/21

1396 5TH STREET
WEST OAKLAND, CA

GOLDEN WEST





GOLDEN WEST

1396 5TH STREET
WEST OAKLAND, CA
PLANNING
COMMISSION
01/01/21



GOLDEN WEST

1396 5TH STREET
WEST OAKLAND, CA

PLANNING
COMMISSION
01/01/21

ALTERNATIVE
VIEW FROM SOUTHEAST
RENDERING
AP 10-1



GOLDEN WEST

1396 5TH STREET
WEST OAKLAND, CA
PLANNING
COMMISSION
01/01/21



GOLDEN WEST

1396 5TH STREET
WEST OAKLAND, CA

PLANNING
COMMISSION
01/01/21





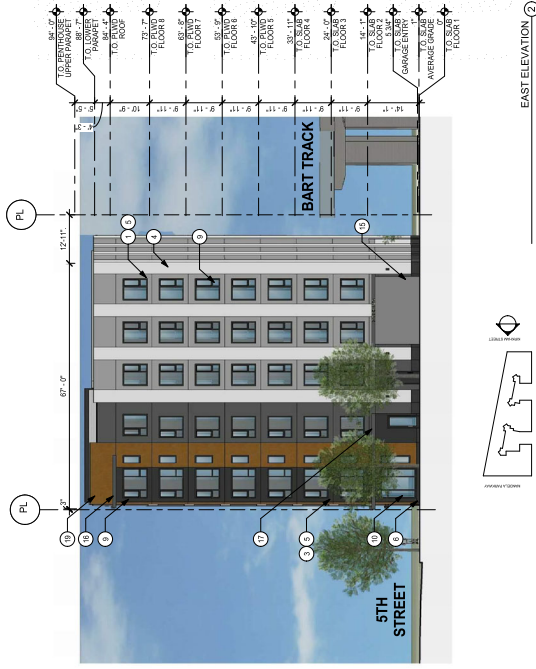
GOLDEN WEST

1396 5TH STREET
WEST OAKLAND, CA
PLANNING
COMMISSION
01/01/21

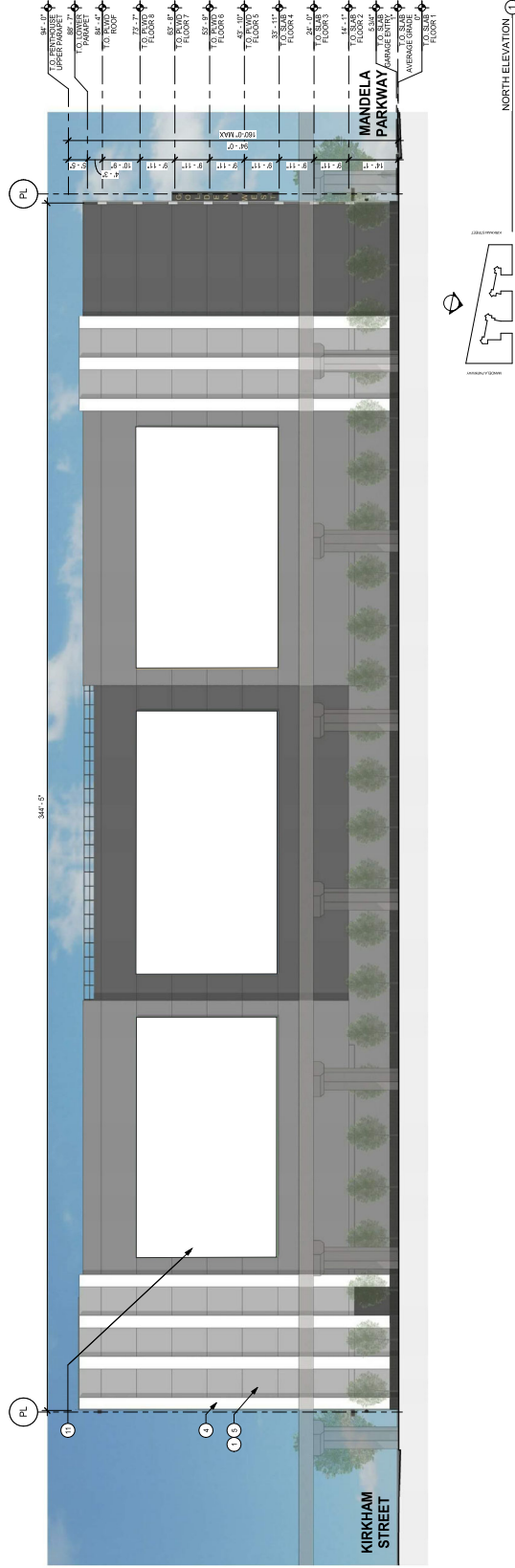


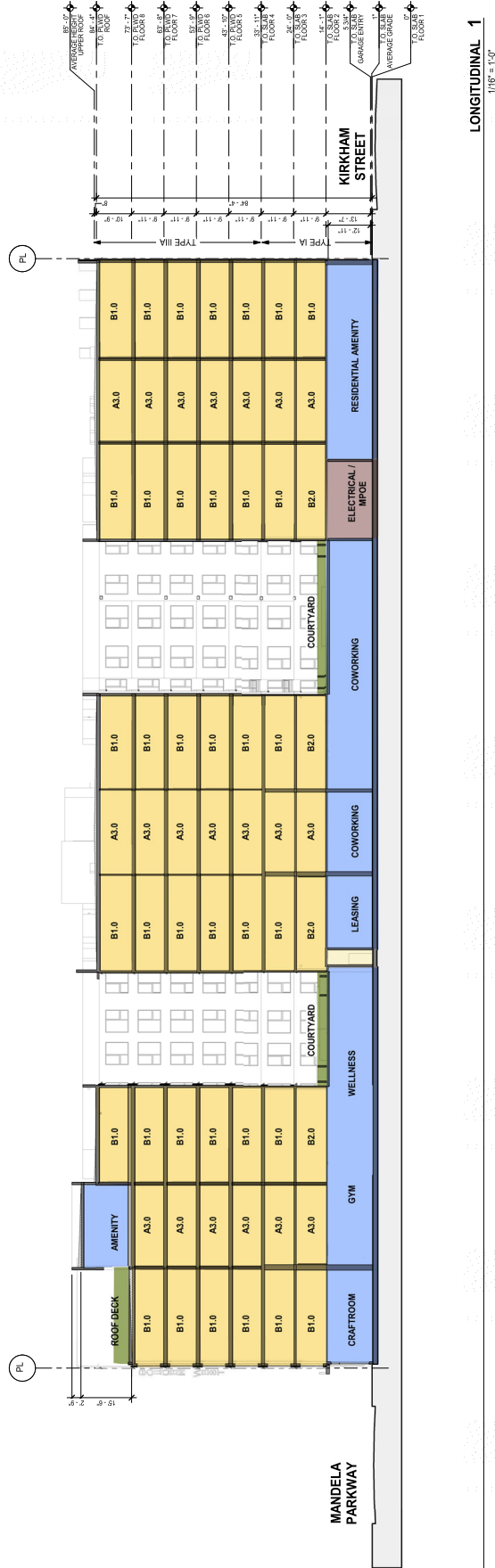
- 1 PAINT - LIGHT COLOR
- 2 PAINT - MED COLOR
- 3 PAINT DARK COLOR
- 4 FOAM TRIM
- 5 PLASTER PER CITY STANDARD
- 6 CAST STONE, STONE BASE OR SIM.
- 7 4" GLASS RAIL
- 8 REDWOOD GOOD NEIGHBOR FENCE
- 9 VPI VINYL WINDOWS
- 10 STOREFRONT TO MATCH VINYL WINDOWS
- 11 PUBLIC ART, SEE SHEET AP.24
- 12 GARAGE DOOR
- 13 BUILDING ADDRESS SIGNAGE
- 14 BUILDING SIGNAGE, DESIGN AND ILLUMINATION TO BE DETERMINED, FULLY COMPLIANT WITH CITY CODES AND REGULATIONS
- 15 EXTERIOR LIGHTING
- 16 AWNING
- 17 OVERHEAD RECESSED LIGHT
- 18 METAL RAIL FENCE
- 19 WOOD-GRAINED RAINSCREEN LAP SIDING





- 1 PAINT - LIGHT COLOR
- 2 PAINT - MED COLOR
- 3 PAINT DARK COLOR
- 4 FOAM TRIM
- 5 PLASTER PER CITY STANDARD
- 6 CAST STONE, STONE BASE OR SIM.
- 7 4" GLASS RAIL
- 8 REDWOOD GOOD NEIGHBOR FENCE
- 9 1/2" VINYL WINDOWS
- 10 STOREFRONT TO MATCH VINYL WINDOWS
- 11 PUBLIC ART, SEE SHEET AP.34
- 12 EXTERIOR LIGHTING
- 13 BUILDING ADDRESS SIGNAGE
- 14 BUILDING SIGNAGE: DESIGN AND ILLUMINATION TO BE DETERMINED, FULLY-COMPLIANT WITH CITY CODES AND REGULATIONS
- 15 GARAGE DOOR
- 16 AWNING
- 17 OVERHEAD RECESSED LIGHT
- 18 METAL RAIL FENCE
- 19 WOOD-GRAINED RAINSCREEN LAP SIDING





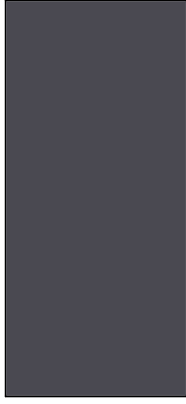
GENERAL NOTES
 Building Height is measured as follows, according to the Definitions in Chapter 2 of the CBC:
HEIGHT, BUILDING: The vertical distance from grade to the average height of the highest part of the building.
 The base point for measurement is the lowest point of the building as defined in the CBC.
HEIGHT, BUILDING: The vertical distance from grade to the average height of the highest part of the building.
 The base point for measurement is the lowest point of the building as defined in the CBC.
HEIGHT, BUILDING: The vertical distance from grade to the average height of the highest part of the building.
 The base point for measurement is the lowest point of the building as defined in the CBC.
HEIGHT, BUILDING: The vertical distance from grade to the average height of the highest part of the building.
 The base point for measurement is the lowest point of the building as defined in the CBC.

1396 5TH STREET
 WEST OAKLAND, CA
 01/01/21

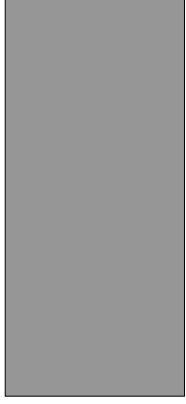
GOLDEN WEST



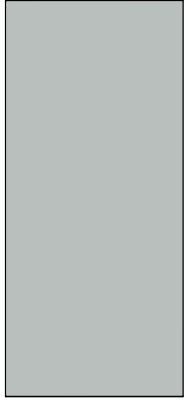
COMMUNITIES THAT LIVE



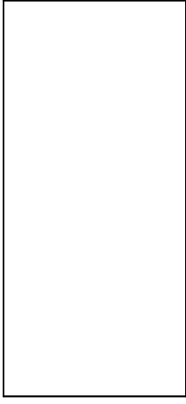
PAINT - BM 1442 DEEP INDIGO (4)



PAINT - (MEDIUM GRAY TBD) (3)



PAINT - BM 1605 WINTER SOLSTICE (2)



PAINT - BM 872 WHITE CHRISTMAS (1)



GLASS RAILING - (7)



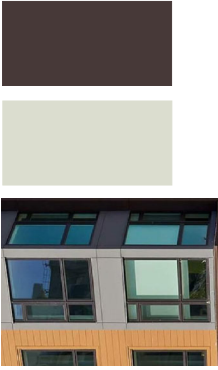
STONE BASE - (6)



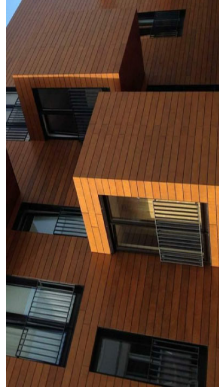
CEMENT PLASTER
TEXTURE PER CITY STANDARD
(SAMPLE PER REFERENCE ONLY) (5)



EXTERIOR LIGHTING (12)



VPI VINYL WINDOWS (9)



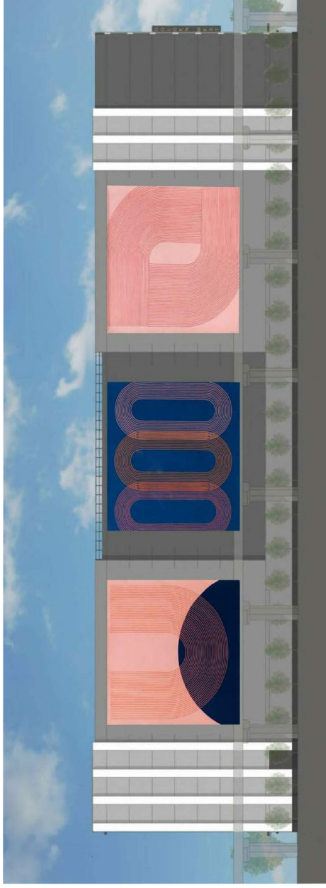
WOOD GRAINED
RAINSCREEN LAP SIDING (8)



AWNING (16)

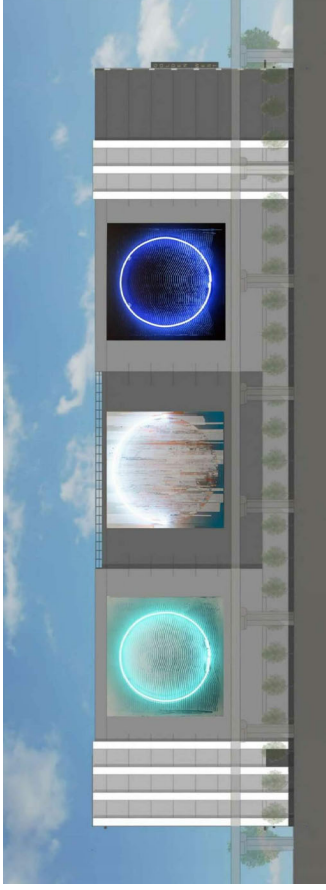


BUILDING SIGNAGE (14)



MURAL IN TILE OR PAINT

KELLY ORDING



MURAL IN PAINT W/
NEON LIGHT ELEMENTS

ERIK OTTO



MURAL IN TILE OR PAINT

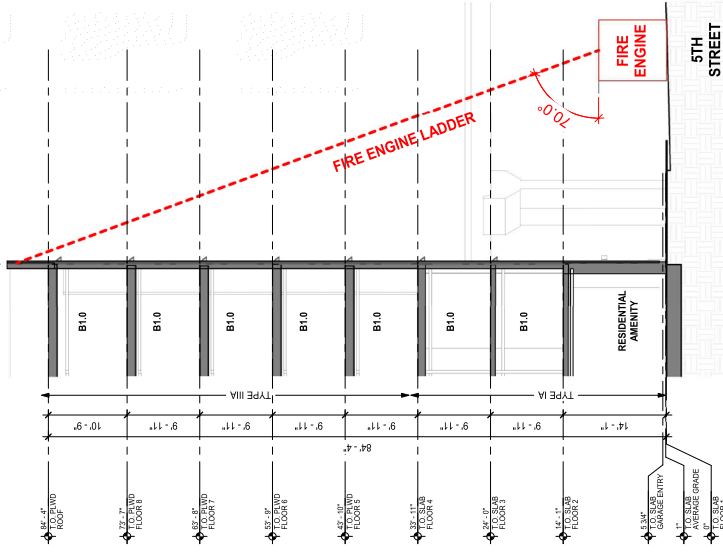
JET MARTINEZ



MURAL IN PAINT

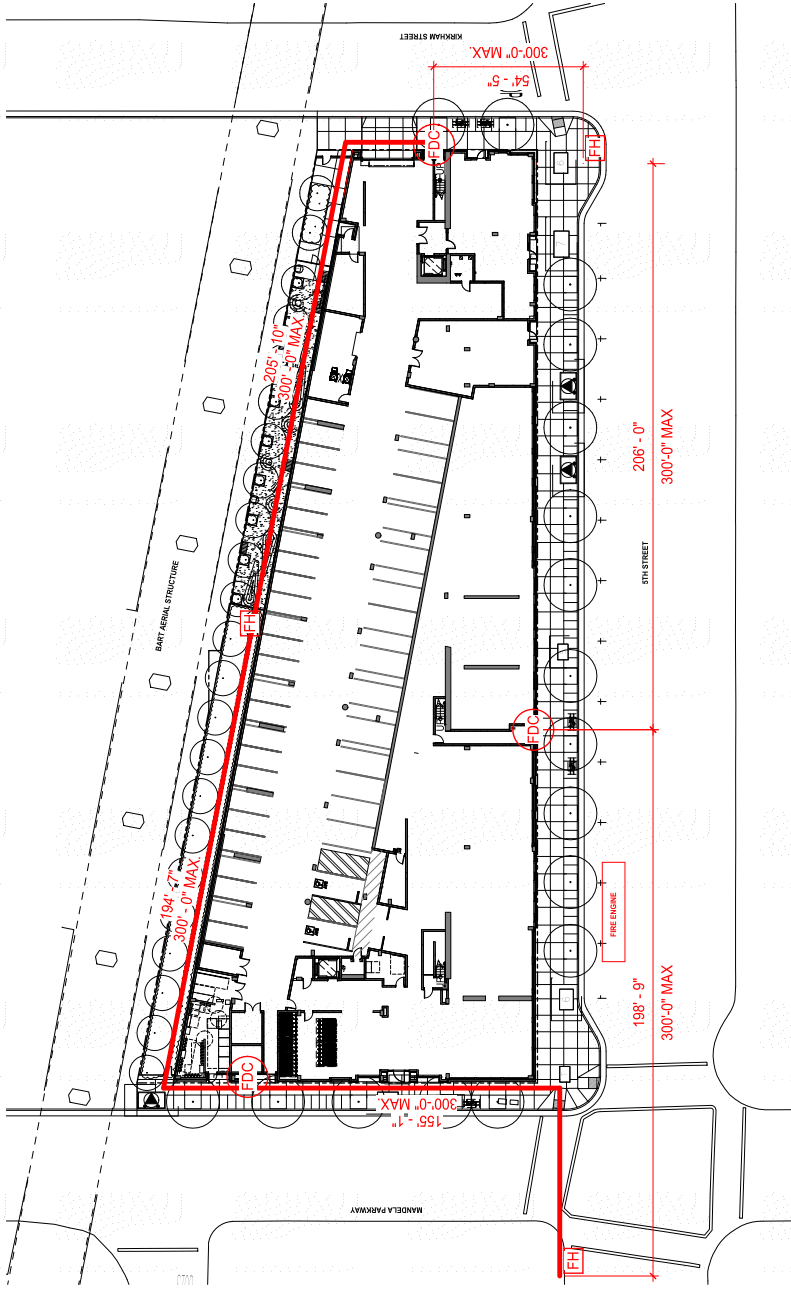
ALISON TORNEROS

6.20



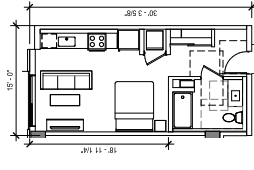
FIRE AERIAL APPARATUS ACCESS 2

3/8" = 1'-0"

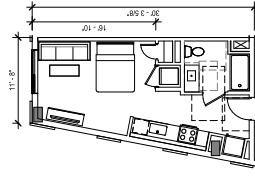


FIRE AERIAL APPARATUS ACCESS 1

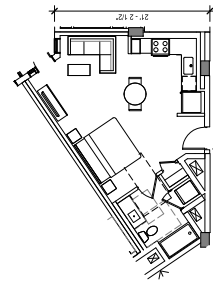
3/8" = 1'-0"



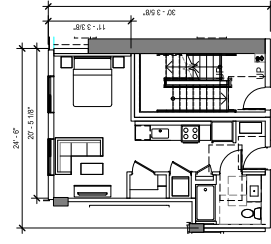
14 UNITS
452 SF
UNIT S2 2
1/8" = 1'-0"



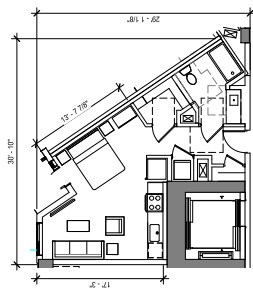
7 UNITS
442 SF
Unit S1 1
1/8" = 1'-0"



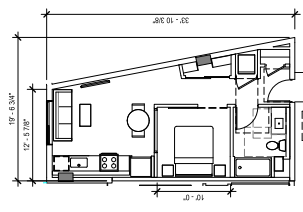
7 UNITS
560 SF
UNIT S4 4
1/8" = 1'-0"



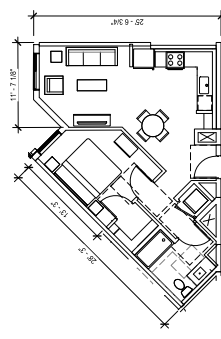
7 UNITS
560 SF
UNIT S3 3
1/8" = 1'-0"



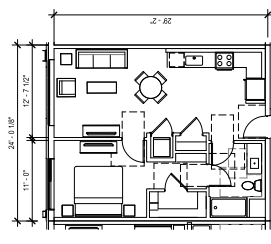
7 UNITS
524 SF
UNIT S6 6
1/8" = 1'-0"



7 UNITS
550 SF
UNIT S5 5
1/8" = 1'-0"



42 UNITS
691 SF
UNIT A2 8
1/8" = 1'-0"



21 UNITS
729 SF
UNIT A1 7
1/8" = 1'-0"

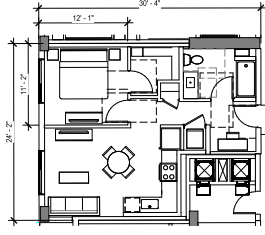


UNIT PLANS
AP.50

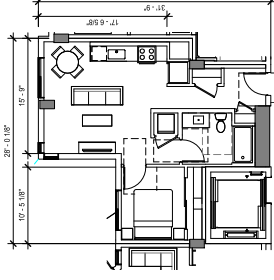
1396 5TH STREET
WEST OAKLAND, CA
PLANNING
COMMISSION
01/01/21

GOLDEN WEST

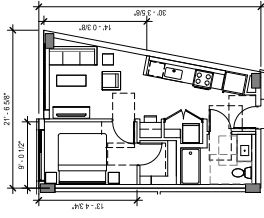




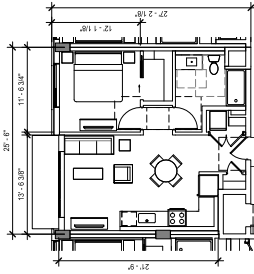
7 UNITS
665 SF
UNIT A4 2
1/8" = 1'-0"



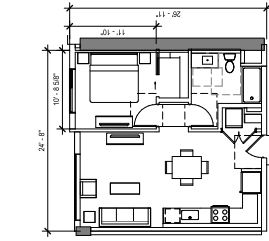
7 UNITS
649 SF
UNIT A6 4
1/8" = 1'-0"



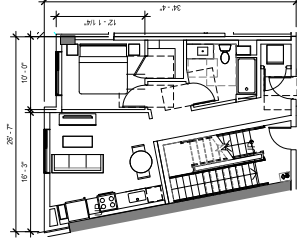
7 UNITS
561 SF
UNIT A8 6
1/8" = 1'-0"



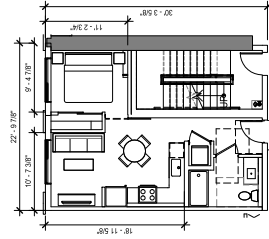
7 UNITS
664 SF
UNIT A10 8
1/8" = 1'-0"



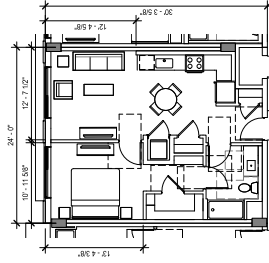
13 UNITS
676 SF
UNIT A3 1
1/8" = 1'-0"



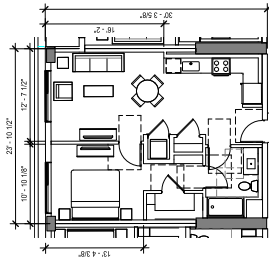
7 UNITS
639 SF
UNIT A5 3
1/8" = 1'-0"



7 UNITS
527 SF
UNIT A7 5
1/8" = 1'-0"

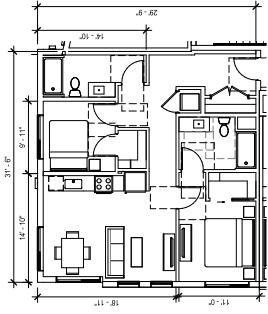


7 UNITS
707 SF
UNIT A9 7
1/8" = 1'-0"

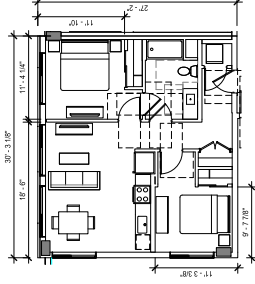


7 UNITS
725 SF
UNIT A11 9
1/8" = 1'-0"

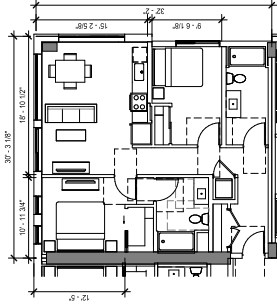




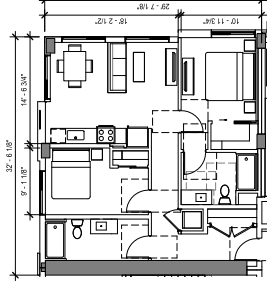
24 UNITS
977 SF
UNIT B2 2
1/8" = 1'-0"



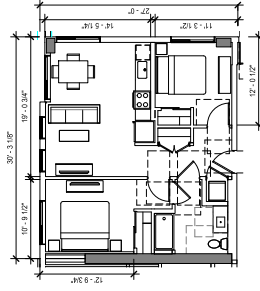
2 UNITS
817 SF
UNIT B4 4
1/8" = 1'-0"



6 UNITS
968 SF
UNIT B1 1
1/8" = 1'-0"



7 UNITS
968 SF
UNIT B3 3
1/8" = 1'-0"



2 UNITS
807 SF
UNIT B5 5
1/8" = 1'-0"





16" H. Metal Wall Planter Box.
Finish to be Raw Steel

6" H. Geoplymer Fence Along
Planter Box. See Architect
Notes for Details. Green Trellis
Trellis Panels 4'x4' as Shown on Plan within Dog Run Area Only
Secured Dog Run w/ Sealing
Artificial Turf Mounds and
Dog Furnishings

6" H. Decorative Metal Fence and Gate at
Street Frontage

Radiant Heater, s.c.f.s. See Architect
Drawings for Installation on Building Face

5'x6' Decomposed Granite Tree Wells, Typ.

Bike Racks, Typ.

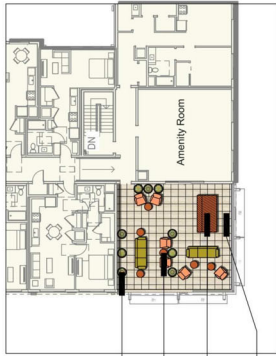
Pedestrian Concrete Paving, Typ.



GOLDEN WEST

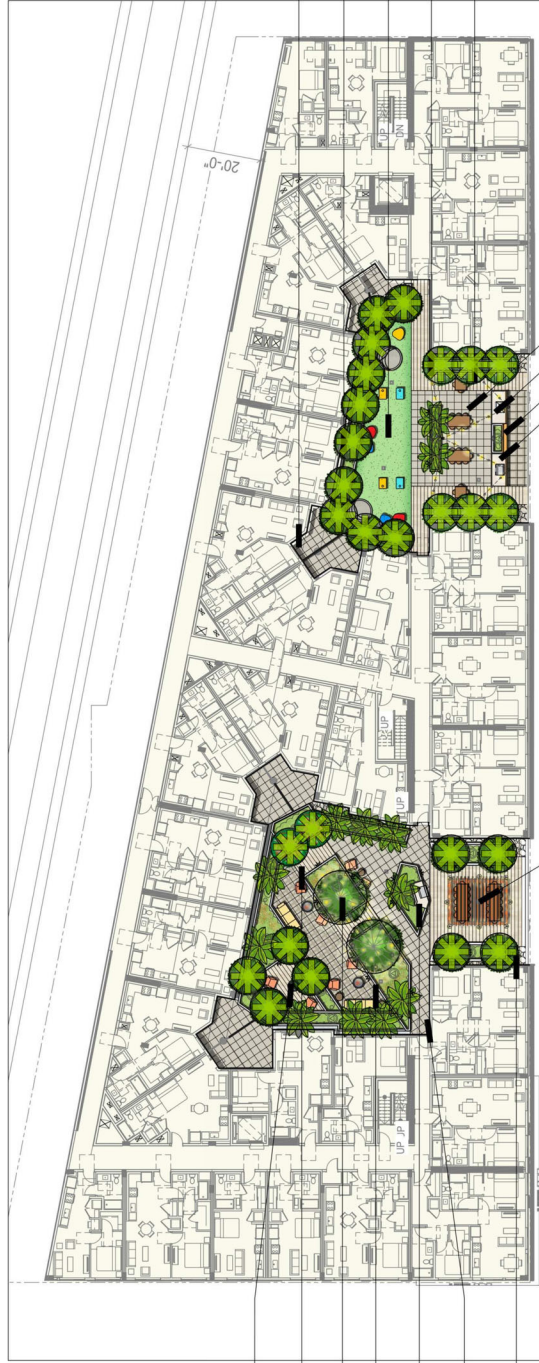
PLANNING
COMMISSION
01/01/21

L2.0
GROUNDFLOOR
LANDSCAPE PLAN



FLOOR 8

- Planter Pot, Typ.
- Loose Furnishings w/ Artful Heating Elements
- Wood Chair Seating Element w/ Integrated W. Washing Equipment Storage
- Porcelain Pavers Type 1, Typ. S.C.F.S.

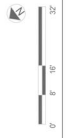


FLOOR 2

- Fire Table Lounge with Loose Furnishings, Typ. of 3
- Porcelain Decking Type 2, Typ. S.C.F.S.
- Upsized Specimen Tree with Artful Canopy Lighting, Typ. of 2
- CMU Planter with Tile Cladding, Typ.
- BBO
- Porcelain Pavers Type 1, Typ. S.C.F.S.
- Gravel Mulch w/ Metal Edger
- Porcelain Pavers Type 1, Typ. S.C.F.S.
- CMU Planter with Tile Cladding, Typ.
- Artificial Turf Area
- String Lights
- Porcelain Decking Type 2, Typ. S.C.F.S.
- Dining Area with String Lights
- Pizza Oven
- Accent Wall with Outdoor TV
- BBO
- 12x16 Prefab Aluminum Trellis w/ Lighting and Heater Elements, S.C.F.S.



Symbol Denotes Deciduous Courtyard Trees To Provide Winter Shade Relief



L2.1
FLOOR 2 & 8
LANDSCAPE PLAN

PLANNING
COMMISSION
01/01/21

GOLDEN WEST




GOLDEN WEST

THE HAZARDO
PARTNERSHIP INC.
Landscape Architects - Land Planners
1515 13TH AVE. S.W.
SEASIDE, CA 94131
415.433.9200

Michaels
COMMUNITIES THAT DELIVER

BDE
ARCHITECTURE

WATER USE LEGEND

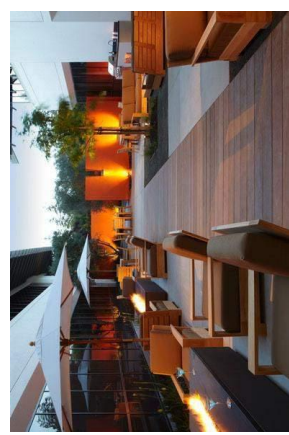
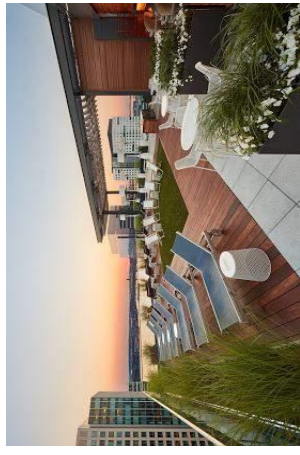
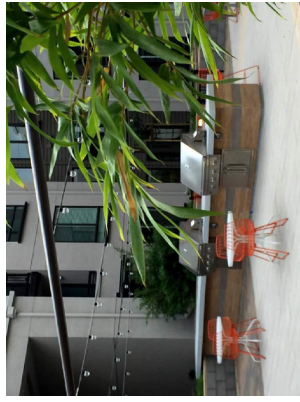
-  WUCOLS Low: 1,814 SF
 -  WUCOLS Moderate: 1,163 SF
 -  WUCOLS High: 0 SF
- * Based upon total landscape area of 3,520 SF



GOLDEN WEST

PLANNING
COMMISSION
01/01/21

L3.0
WATER USE PLAN

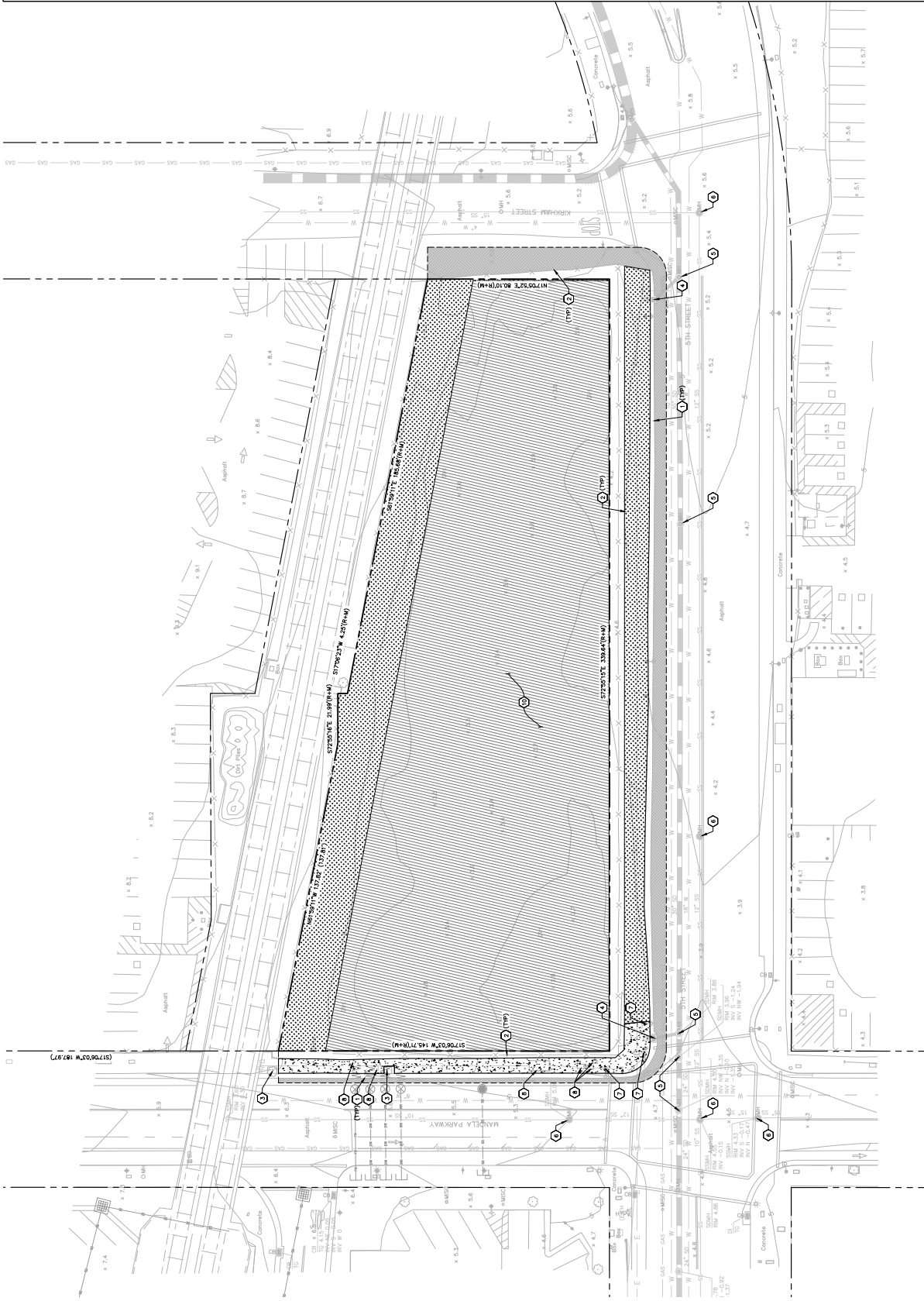


LEGEND

- REMOVE EXISTING CONCRETE PAVEMENT SECTION
- REMOVE EXISTING ASPHALT CONCRETE PAVEMENT SECTION
- CLEAR AND GRAB EXISTING LANDSCAPING
- PROJECT EXISTING CONCRETE SLAB
- CURB AND GUTTER LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- WATER LINE
- GAS LINE
- CATCH BASIN
- COMMUNICATION MANHOLE
- ELECTRIC MANHOLE
- ELECTRIC PULLBOX
- PARKING METER
- SONG
- STORM/SANITARY MANHOLE
- WATER METER

KEYNOTES

- 1 REMOVE EXISTING CURB AND GUTTER
- 2 REMOVE EXISTING CHAINLINK FENCE
- 3 PROJECT EXISTING TREE IN PLACE
- 4 PROJECT EXISTING STORM DRAIN CATCH BASIN IN PLACE
- 5 PROJECT EXISTING STORM DRAIN MANHOLE IN PLACE
- 6 PROJECT EXISTING SANITARY SEWER MANHOLE IN PLACE
- 7 PROJECT EXISTING ELECTRIC POLE IN PLACE
- 8 PROJECT EXISTING ELECTRICAL VAULT AND ASSOCIATED UTILITIES IN PLACE
- 9 PROJECT EXISTING MONUMENT IN PLACE
- 10 PROJECT EXISTING CONCRETE SLAB



LEGEND

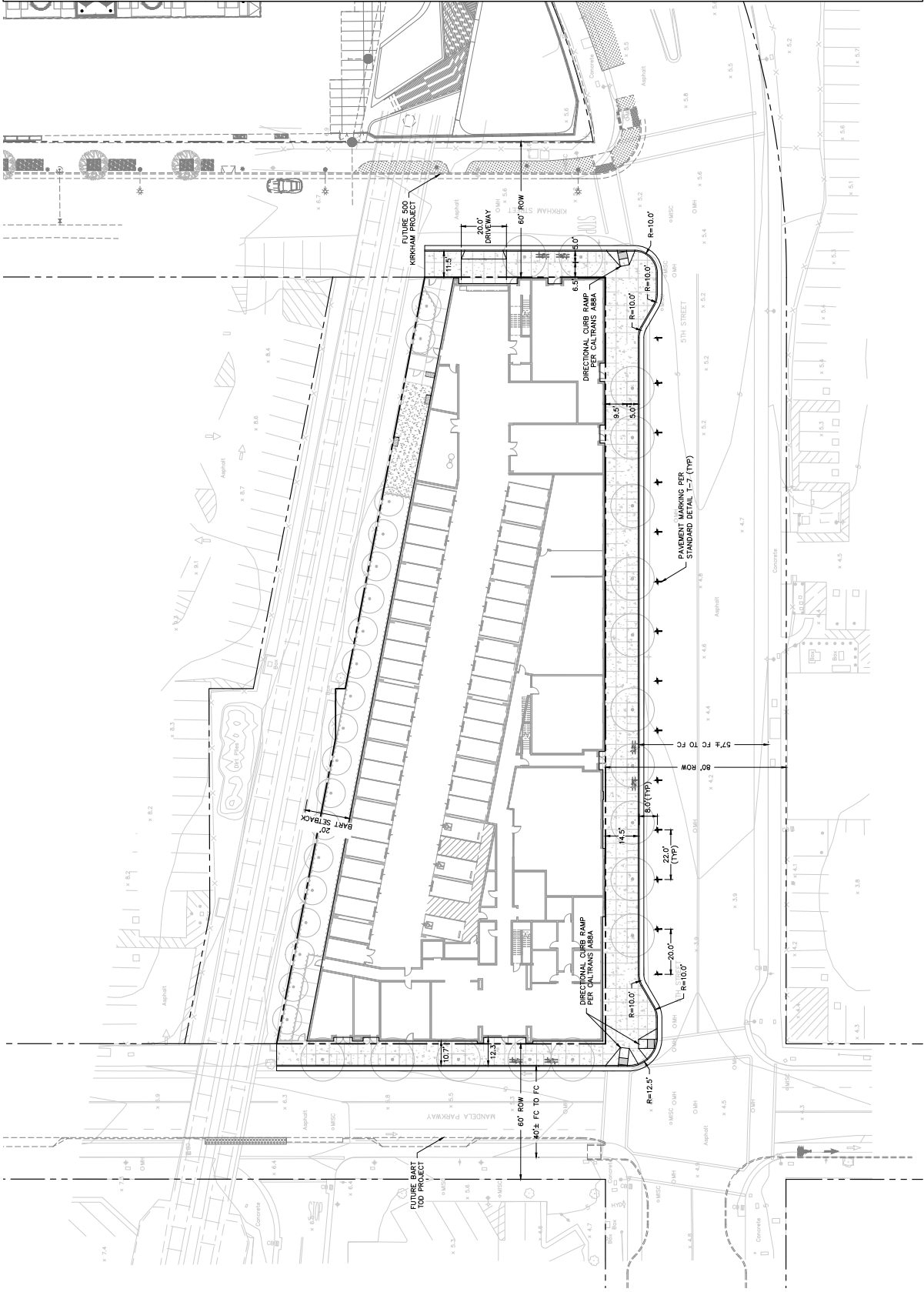
- PROPERTY LINE
- ASBESTOS LOT LINE
- CONCRETE SIDEWALK
- VERTICAL CURVE & SLOPES
(SEE CIVIL DRAWING 2-1, 2-2 & 4)
- PAVEMENT MARKING
(SEE CIVIL DRAWING 2-2)



06/08/2020

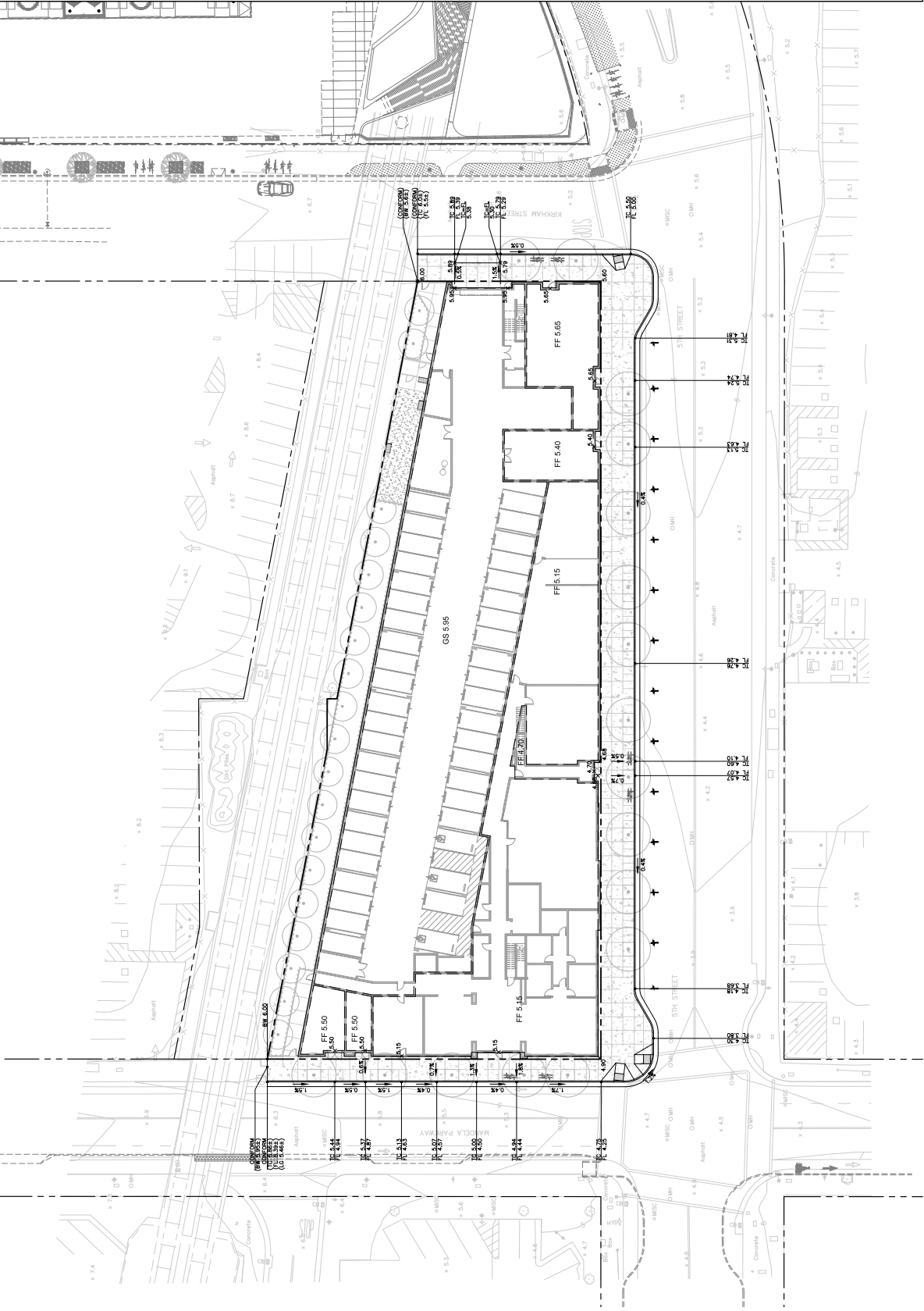
1898 5TH STREET
WEST OAKLAND, CA

PRELIMINARY
SITE PLAN
C2.0



LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- CONCRETE SIDEWALK
- VERTICAL CURB & GUTTER (FOR CITY DATA 5-1, TYPE A)
- PAVEMENT DRIVEWAY (FOR CITY DATA 5-2)
- PROPOSED GRADE
- SCOPE TO DRAIN

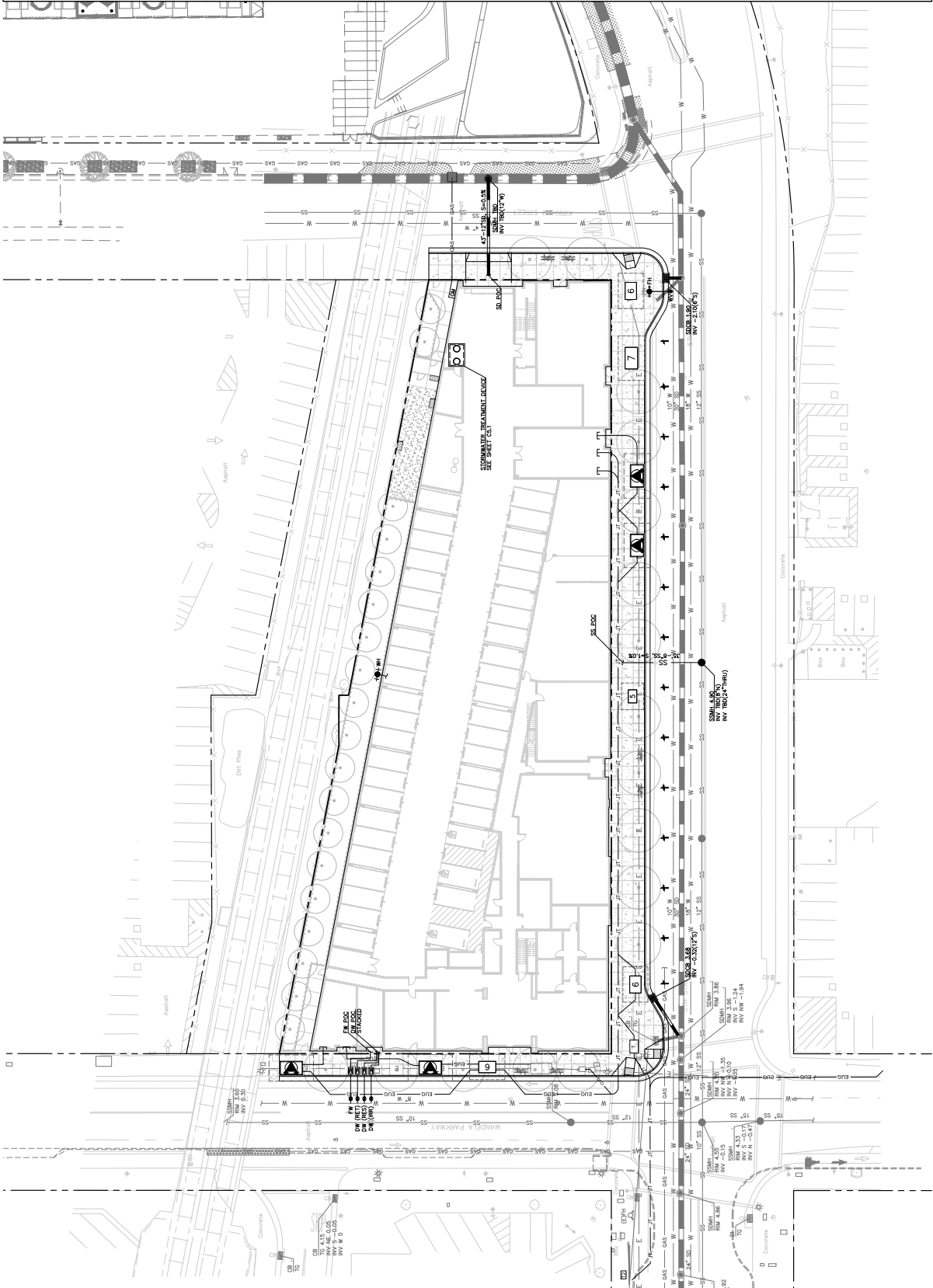


LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- STORM DRAIN LINE
- SANITARY SEWER LINE
- DOMESTIC WATER LINE
- FIRE WATER LINE
- JOINT TRENCH LINE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- WATER METER (WEP EBM&D)
- FIRE HYDRANT/WHAF HYDRANT
- WALL MOUNTED PDC
- STORMWATER TREATMENT DEVICE (LOCATION TBD)
- TRANSFORMER (SHOWN FOR REFERENCE ONLY)
- ELECTRICAL VAULT (SHOWN FOR REFERENCE ONLY)



NOTES



PRELIMINARY
UTILITY PLAN
C-03

06/08/2020

1898 5TH STREET
WEST OAKLAND, CA

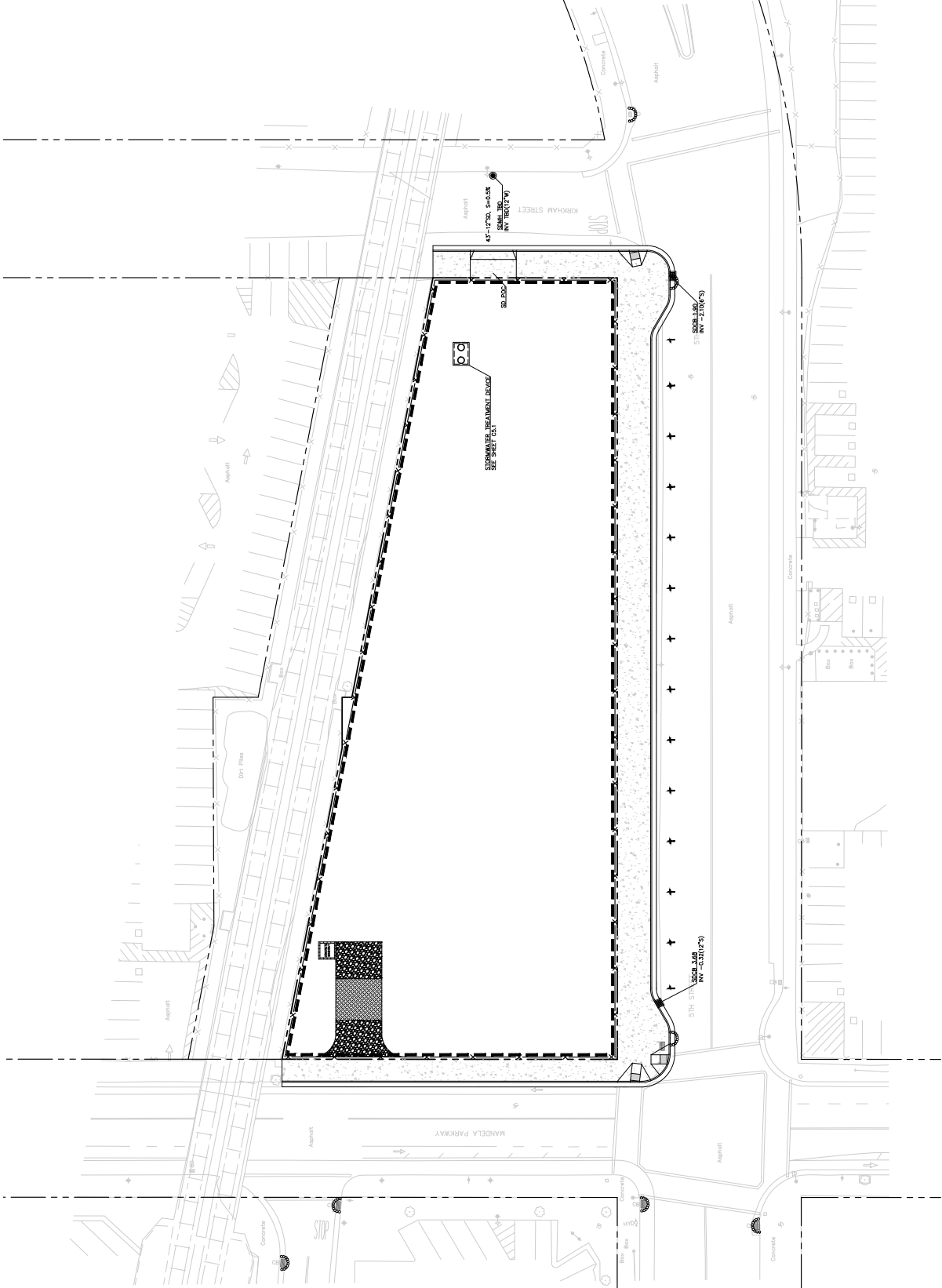


LEGEND

- REBAR WALL
- - - TEMPORARY 6' CONSTRUCTION FENCE
- STORM DRAIN INLET PROTECTION
- STABILIZED CONSTRUCTION ENTRANCE/EXIT (APPROXIMATE LOCATION SHOWN)
- ENTRANCE/EXIT TIRE WASH (APPROXIMATE LOCATION SHOWN)
- PERMANENT BARRIERS (APPROXIMATE LOCATION SHOWN)

NOTES

1. THIS SHEET IS INTENDED FOR EROSION CONTROL ONLY.
2. STATE WATER RESOURCES CONTROL BOARD (SWRCB) ORDER NO. 92-2009-0009-2100, NOTES AND ATTACHMENTS, AND SWRCB ORDER NO. 92-2009-0009-2100, NOTES AND ATTACHMENTS, ARE INCORPORATED BY REFERENCE INTO THIS CONSTRUCTION GENERAL PERMIT (CGP).
3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING A PERMITS PLAN FRICTIONER (PSF) THAT WILL MONITOR THE SITE IN ACCORDANCE WITH THE CGP.
4. SEE BEST MANAGEMENT PRACTICES ON SHEET 04.1.
5. UNANTICIPATED FIELD CONDITIONS IN GENERAL. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING ANY PERMITS AND ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING A PERMITS PLAN FRICTIONER (PSF) THAT WILL MONITOR THE SITE IN ACCORDANCE WITH THE CGP.
6. PROTECT ALL INLETS WITHIN 150' OF PROJECT SITE.

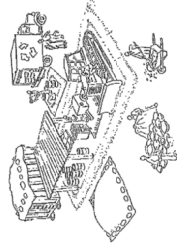


1898 5TH STREET
WEST OAKLAND, CA

06/08/2020

EROSION
CONTROL PLAN
C5.3

Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with County of Alameda requirements.

Materials storage & spill cleanup

- Non-hazardous materials management
 - Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
 - Use (but don't overuse) reclaimed water for dust control as needed.
 - Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
 - Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with Alameda County Ordinances for recycling construction materials, wood, EP, house pipe, etc.
 - Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
 - Cover all dumpsters with a tarp at the end of every work day or during wet weather.
- Hazardous materials management
 - Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
 - Store hazardous materials and wastes in water-tight containers, store in appropriate secondary containment, and cover them at the end of every work day during wet weather or when rain is forecasted.
 - Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
 - Be sure to arrange for appropriate disposal of all hazardous wastes.

Vehicle and equipment maintenance & cleaning

- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area or cover a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- Keep excavated soil on the site where it will not collect in the street.
- Transfer to dump trucks should take place on the site, not in the street.
- Use filter rolls, silt fences, or other control measures to minimize the flow of silt off the site.
- Earth moving activities are only allowed during dry weather by permit and as approved by the County Inspector in the Field.
- Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place finer rolls down-slope until soil is secure.
- If you suspect contamination (from site history, dislocation, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.



Dewatering operations

- Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Rinse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Minimization or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

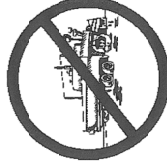


Saw cutting

- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner).
- If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- Protect gutters, ditches, and drainage courses with sand/gravel bags or earthen berms.
- Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- Do not use water to wash down fresh asphalt concrete pavement.



Concrete, grout, and mortar storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



Painting

- Never rinse paint brushes or materials in a gutter or street!
- Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- Paint out excess oil-based paint before cleaning brushes in thinner.
- Filter paint thinners and solvents for reuse, whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Landscape Materials

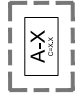
- Contain, cover, and store on pallets all stock-piled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Storm drain polluters may be liable for fines of \$10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.catmaphandbooks.com



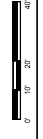
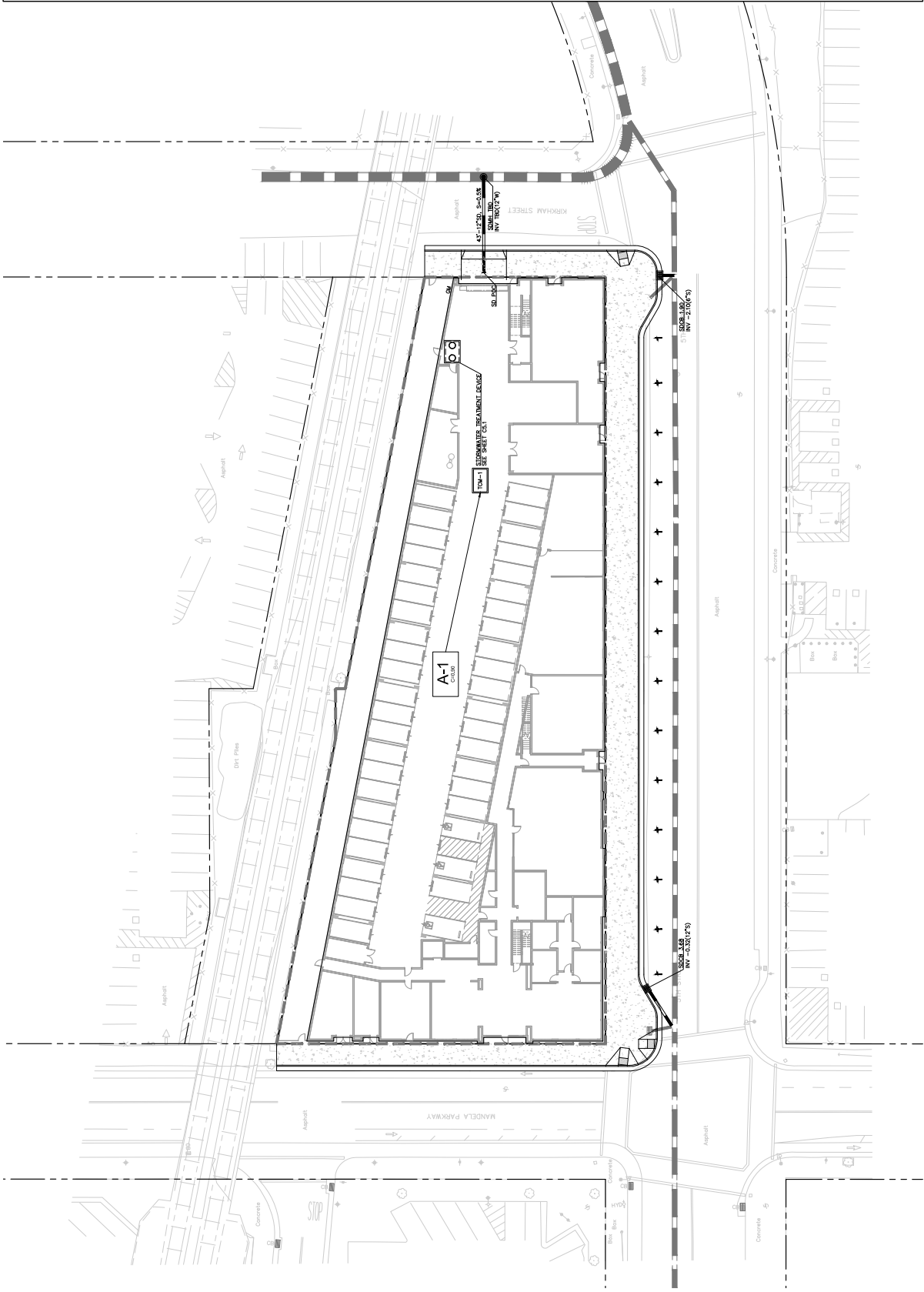
LEGEND



STORMWATER TREATMENT AREA
TREATMENT CONTROL VOLUME

Title: X

NOTES



STORMWATER
CONTROL PLAN
C63

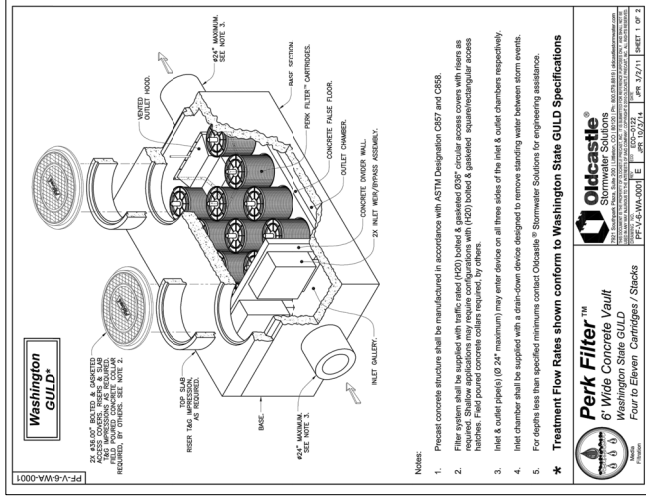
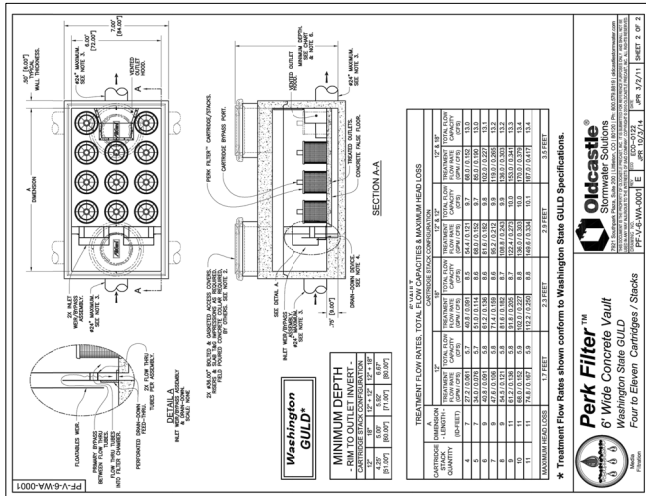
06/08/2020

1898 5TH STREET
WEST OAKLAND, CA



TREATMENT CONTROL MEASURE SUMMARY (BUILDING A)			
AREAS	DRAINAGE	HERVICUS SURFACE (SF)	NON-LID TREATMENT
DRAINAGE	AREA (SF)	TYPE OF IMPERVIOUS SURFACE	PROPOSED TREATMENT
A-1	0	Enticaps	BR-1/STD-1
A-2	38,393	0	0.182
A-3	38,393	0	0.190

FILTER SIZING CALCULATION			
CON	(H)	(W)	A
STD-1	0.5	2.7	0.12
C	0.01	0.02	38,393
C - COEFFICIENT OF RUNOFF			
I - INTENSITY OF STORM (IN/H)			
T - TIME OF TRAVEL (MIN)			
A - AREA (SQ. FT)			
QMP - MAXIMUM FLOW RATE (CFS)			
QDT - TREATMENT FLOW RATE (CFS)			



Perk Filter™
6" Wide Concrete Vault
Washington State GULD
Four to Eleven Cartridges / Sticks

Perk Filter™
6" Wide Concrete Vault
Washington State GULD
Four to Eleven Cartridges / Sticks

Perk Filter™
6" Wide Concrete Vault
Washington State GULD
Four to Eleven Cartridges / Sticks

Perk Filter™
6" Wide Concrete Vault
Washington State GULD
Four to Eleven Cartridges / Sticks

CAUTION !! CAUTION !! CAUTION !!
 EX. JOINT TRENCH AND EX. GAS AND ALL OTHER UTILITY LOCATIONS ARE SHOWN BASED UPON INFORMATION PROVIDED BY OTHERS AND FIELD OBSERVATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY JOINT TRENCH CONSTRUCTION. FORTHWITH IF NECESSARY, CONTACT U.S.A. DIG ALERT 2 WORKING DAYS IN ADVANCE.

CONTRACTOR WILL COMPLY WITH ALL LAWS, ORDINANCES AND REGULATIONS. CONTRACTOR SHALL BE FAMILIAR WITH O.S.H.A. REGULATIONS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.

JOINT TRENCH OCCUPANCY GUIDE

TRENCH WIDTH	1 FT	1 FT 6 IN	2 FT	2 FT 6 IN	3 FT	3 FT 6 IN	4 FT	4 FT 6 IN	5 FT	5 FT 6 IN	6 FT	6 FT 6 IN	7 FT	7 FT 6 IN	8 FT	8 FT 6 IN	9 FT	9 FT 6 IN	10 FT
CONCRETE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
STEEL	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
WOOD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
ASBESTOS	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
UNDERGROUND	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
OVERHEAD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
TRAFFIC	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

SERVICE TERMINATION LEGEND

EX. GAS ELECTRIC TELEPHONE CAVY CLOSET

NOTE: JOINT TRENCH CONTRACTOR TO BE-IN TO CONDUIT SERVICE TO ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK.

GAS LOAD BREAKDOWN FOR GAS METER #1

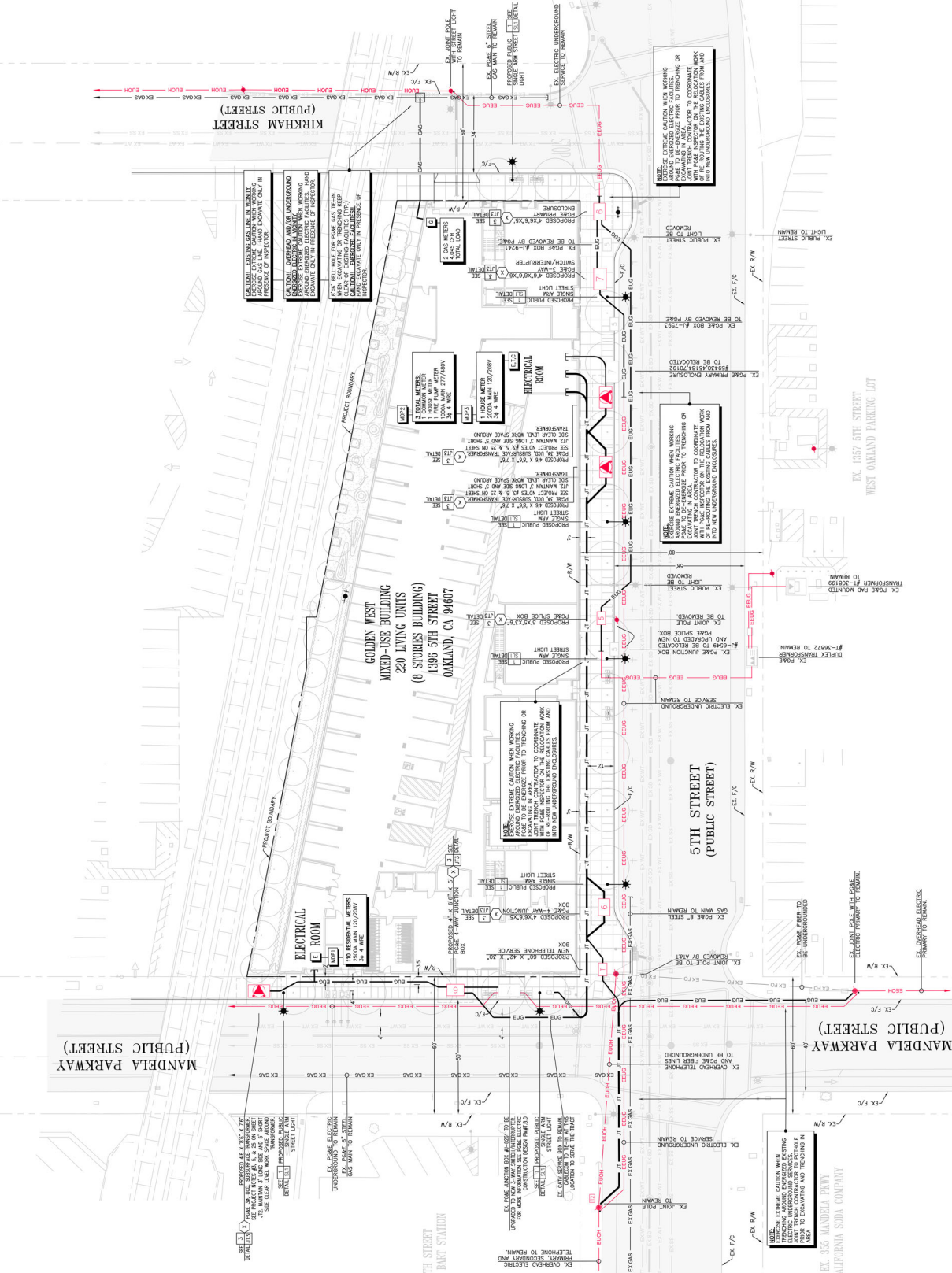
5 WATER HEATERS AT 399 OPH EACH
 3 HVAC UNITS AT 150 OPH EACH
 2 BARBECUE AT 100 OPH EACH
 3 FIRE PIT AT 300 OPH EACH

3,545 OPH TOTAL CONNECTED LOAD AT 7 PS
 ELEVATED DELIVERY GAS PRESSURE.

GAS LOAD BREAKDOWN FOR GAS METER #2

2 WATER HEATERS AT 200 OPH
 2 HVAC UNITS AT 200 OPH EACH
 2 GAS OVENS AT 100 OPH EACH

3,545 OPH TOTAL CONNECTED LOAD AT 7 PS
 ELEVATED DELIVERY GAS PRESSURE.



TARRAR UTILITY CONSULTANTS

815 First Street
 Redwood City, CA 94063
 (650) 240-2535
 (650) 240-7013 fax
 www.tarrar.com

JOINT TRENCH COMPOSITE PLAN
 MICHAELS DEVELOPMENTS
 GOLDEN WEST
 OAKLAND CALIFORNIA

DATE: MAY 2020
 SCALE: 1" = 20'
 JOB NO.: 21000

DATE LAST WORKED ON: 8/4/2020
 DRAWN BY: CHECKER: HT
 PRELIMINARY NOT FOR CONSTRUCTION
 INTENT TO CONSTRUCT

PLANNING
 DESIGN
 ESTIMATING
 JOINT TRENCH
 SHEET LAYOUTS
 COST BUDGETS
 USER HELP

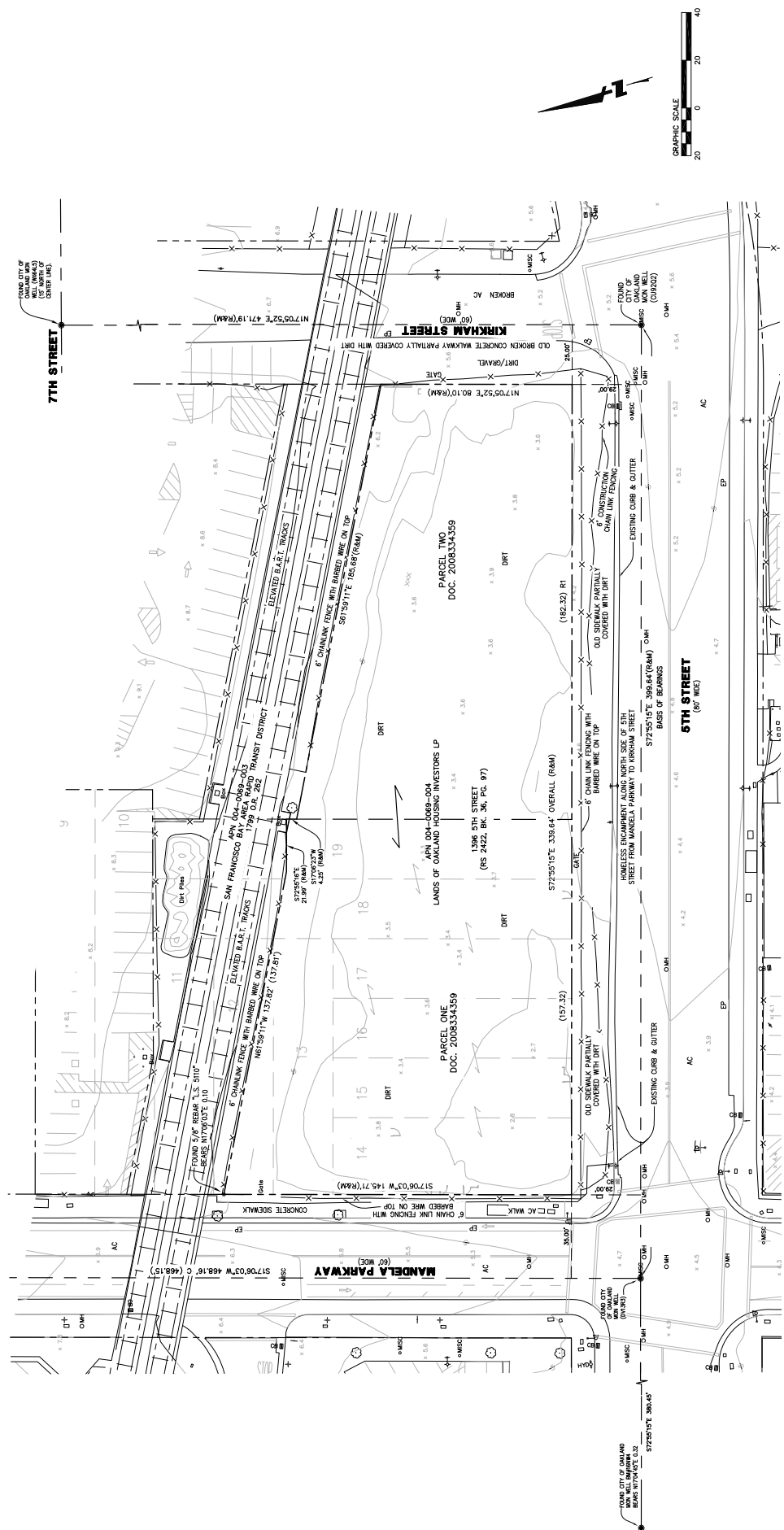
1-24
 SEE Gas Design
 SEE Gas Design
 SEE Gas Design
 SEE Gas Design
 SEE Gas Design
 SEE Gas Design

PROJECT NO.: 21000
 SHEET NO.: 01

DATE: MAY 2020
 SCALE: 1" = 20'
 JOB NO.: 21000

DATE LAST WORKED ON: 8/4/2020
 DRAWN BY: CHECKER: HT
 PRELIMINARY NOT FOR CONSTRUCTION
 INTENT TO CONSTRUCT

DATE: MAY 2020
 SCALE: 1" = 20'
 JOB NO.: 21000



- LEGEND**
- SUBJECT PARCEL PROPERTY LINE
 - SURVEY MONUMENT LINE
 - CHAIN LINK FENCE LINE
 - CHAIN LINK FENCE LINE
 - TREE DRIP LINE PER AERIAL MAPPING
 - FOUND MONUMENT PER CITY OF OAKLAND DATUM (ALPHANUMERIC NUMBER PER CITY OF OAKLAND CODES)
 - FOUND 5/8" REBAR, TAGGED L.S. 510. IN ROAD BOOK NO. 2422, RECORD OF SURVEY NO. 2422, ASPHALTIC CONCRETE
 - ASPHALTIC CONCRETE
 - EDGE OF PAVEMENT
- SYMBOL LEGEND**
- 4- STREETS SIGNAL
 - 4- WATER METER
 - 4- MANHOLE PER AERIAL MAPPING
 - 4- SIGN
 - 4- CATCH BASIN
 - 4- TREE
 - 4- UTILITY VAULT

SURVEYOR STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN COMPLIANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF THE CLIENT AND HAS BEEN CONSIDERED TO BE TRUE AND CORRECT.

I HEREBY STATE THAT ALL EXISTING GRANGES AND CONTOURS ARE BASED UPON CITY OF OAKLAND DATUM.

I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN FULLY SATISFIED BY MY SURVEY AND SHOWN ON THIS MAP IN THE SAME MANNER AS THAT SHOWN ON THE ORIGINAL RECORD.

OFFICE OF THE ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT COALIGNED PARCEL MAP WATER RECORDED ON DOC NO. 20080334359 IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT COALIGNED PARCEL MAP WATER RECORDED ON DOC NO. 20080334359 IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER, AND ARE CURRENTLY FENCED.

I HEREBY ACKNOWLEDGE THAT THIS SURVEY SHALL BE A PUBLIC RECORD AND MAY BE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE GENERAL PUBLIC.

DATE: MAY 26, 2020
SIGNATURE: *David Anthony*
SURVEYOR: L.S. 7625
TITLE: UTILITY #

BASIS OF BEARINGS

THE BEARINGS 5725515°W ALONG THE MONUMENT LINE BETWEEN MONUMENT "10183" (A MONUMENT PIN IN A MONUMENT BOX LOCATED IN THE NW QUADRANT OF THE INTERSECTION OF MANDERLY PARKWAY AND 5TH STREET) AND MONUMENT "10184" (A MONUMENT PIN IN A MONUMENT BOX LOCATED AT THE INTERSECTION OF MANDERLY PARKWAY AND 5TH STREET) AS SAID MONUMENT LINE OF 5TH STREET IS SHOWN ON RECORD OF SURVEY NO. 2422, RECORDED IN BOOK 38 OF MAPS, PAGE 97, FILED IN ALAMEDA COUNTY RECORDS, AND AS SHOWN HEREON.

BENCHMARK

A CITY OF OAKLAND BENCHMARK (IRVNA 454 B-20-E) RECORDED AS A PIN IN MONUMENT AT INTERSECTION OF CENTER STREET AND 5TH STREET, ELEV=4.256 FEET (CITY OF OAKLAND DATUM)

SURVEY NOTES

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- DATES OF FIELD SURVEY: JANUARY AND FEBRUARY, 2020.
- BOUNDARY NOTE: THE PARCEL LINES SHOWN HEREON ARE THE RESULT OF A PROFESSIONAL LAND SURVEYORS ACT.
- RECORD DIMENSIONS ARE SHOWN PER RECORD OF SURVEY FILED IN ALAMEDA COUNTY RECORDS ON OCTOBER 6, 2017 IN BOOK NO. 2422, RECORD OF SURVEY NO. 2422, PAGE 97.
- AERIAL TOPOGRAPHIC SURVEY WAS PROVIDED BY 360 AERIAL SURVEYS, DATE OF SURVEY: JANUARY 29, 2020.

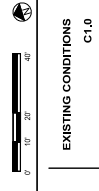
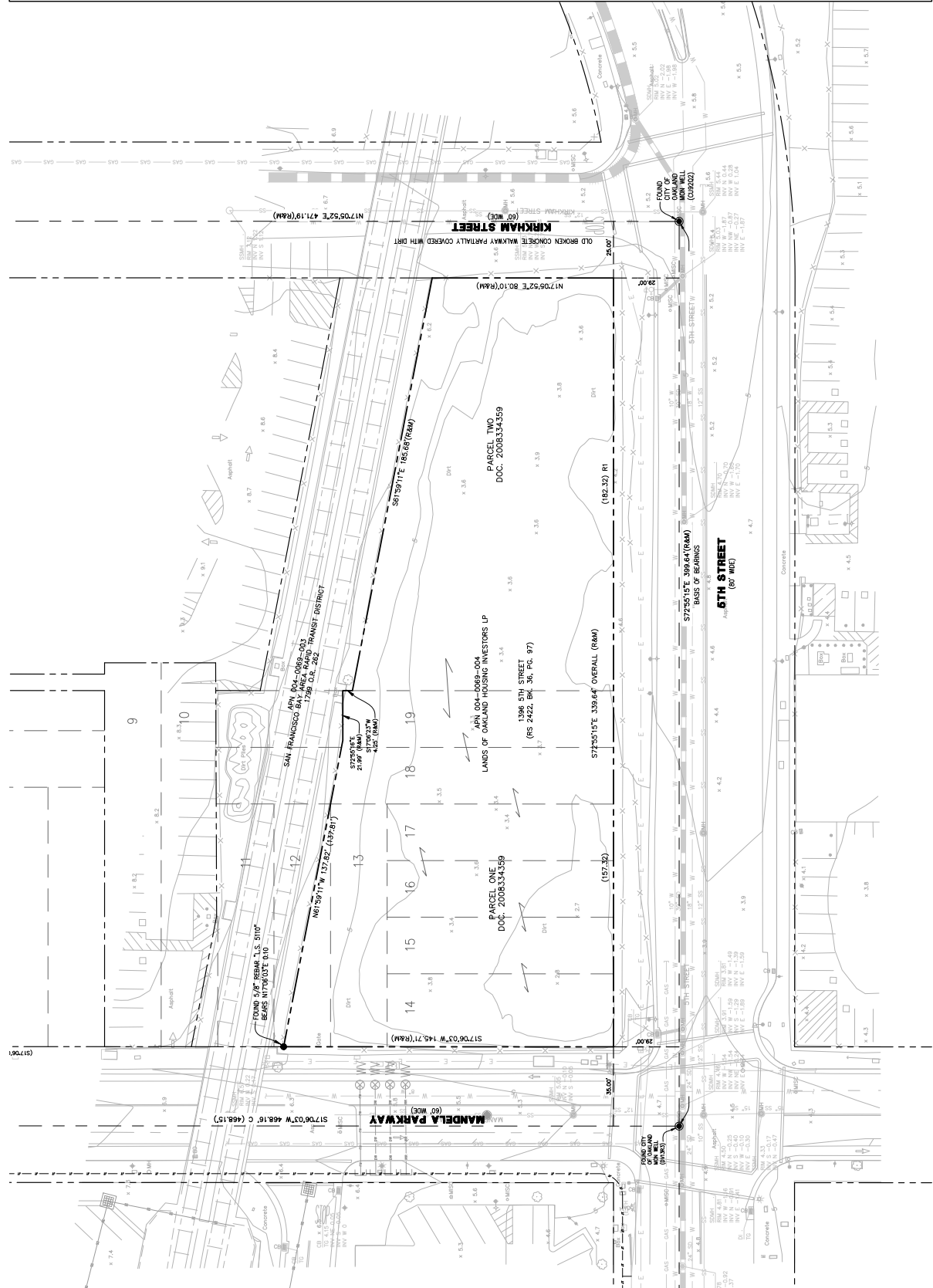
TOPOGRAPHIC AND BOUNDARY SURVEY - V.1

LEGEND

---	PROPERTY LINE
- - -	ADJACENT PARCEL LINE
---	LOT LINE
---	MONUMENT LINE
---	FENCE LINE
---	CONTOUR LINE
---	WATER LINE
---	SEWER LINE
---	STORM DRAIN LINE
---	ELECTRICAL
○	CITY MONUMENT

NOTES

BASE LINE BEARINGS 57°25'15"E ALONG THE MONUMENT LINE BETWEEN MONUMENT "DIVISOR" (A MONUMENT PIN IN A MONUMENT BOX LOCATED AT THE INTERSECTION OF 5TH STREET AND KIRKHAM STREET) AND MONUMENT "DIVISOR" (A MONUMENT PIN IN A MONUMENT BOX LOCATED AT THE INTERSECTION OF 5TH STREET AND KIRKHAM STREET) AS SAID MONUMENT LINE IS SHOWN ON THE RECORD OF SURVEY NO. 7422, AND RECORDED IN BOOK 36 OF MAPS, PAGE 97.



EXISTING CONDITIONS
C1.0

1898 5TH STREET
WEST OAKLAND, CA
11/4/2020



LEGEND

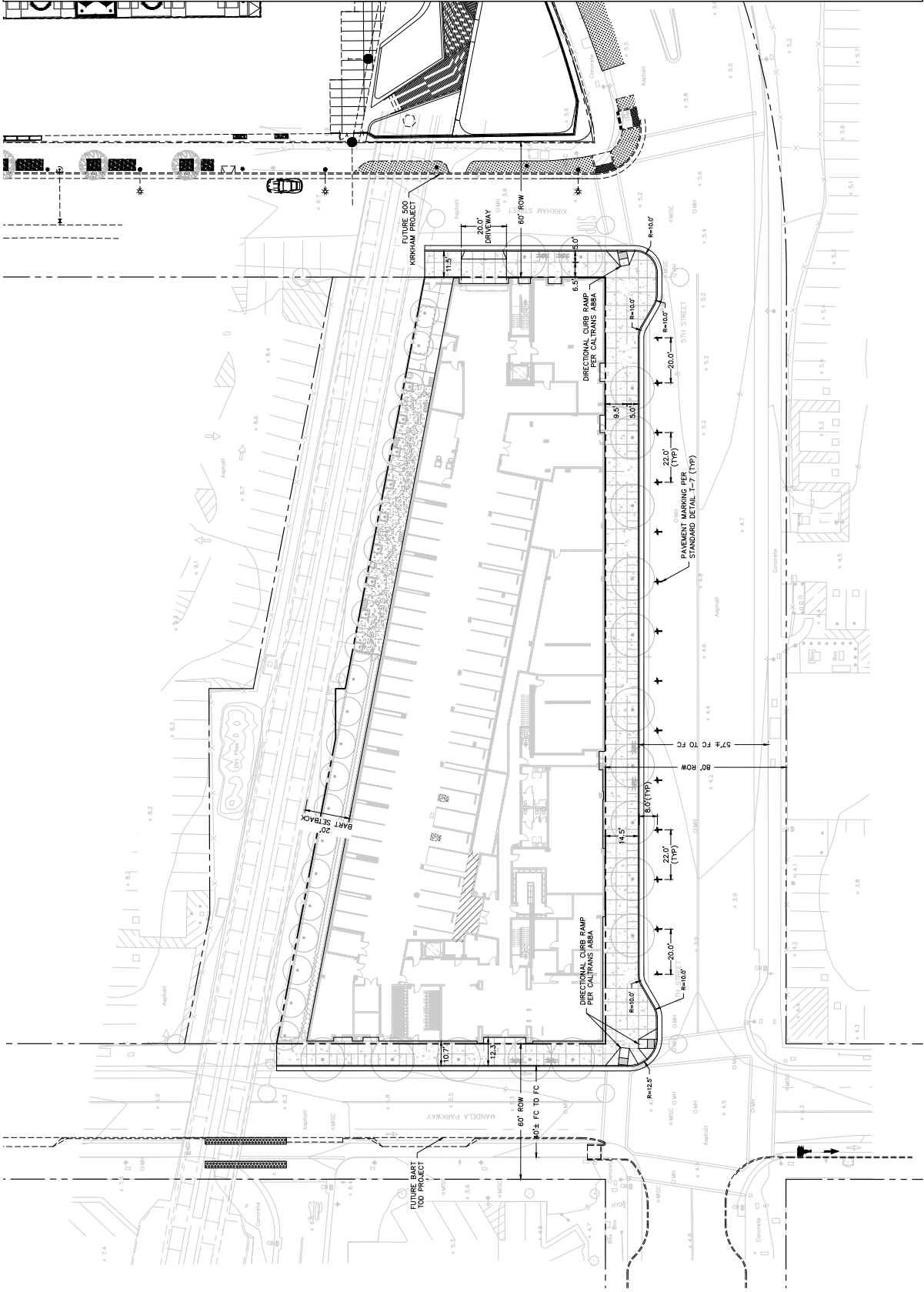
- PROPERTY LINE
- ADJACENT LOT LINE
- CONCRETE SIDEWALK
- VERTICAL CURB & GUTTER
(SEE CIVIL DRAWING 2-1, 2-2 & 4)
- PAVEMENT DRIVEWAY
(SEE CIVIL DRAWING 2-2)



PRELIMINARY
SITE PLAN
C2.0

11/4/2020

1898 5TH STREET
WEST OAKLAND, CA



LEGEND

- PROPERTY LINE
- ADJACENT PARCEL LINE
- LOT LINES
- MONUMENT LINE
- CONCRETE SIDEWALK
- VERTICAL CURB & GUTTER
(PER CITY DETAIL S-1, TYPE A)
- CONCRETE DRIVEWAY
(PER CITY DETAIL S-2)

PREVALENT LOT SIZE INFORMATION

1. ALL PARCELS ARE LOCATED WITHIN OR PARTIALLY WITHIN 200' OF SITE PERIMETER
2. INCREASING LOT SIZE AREA
3. INCREASING LOT WIDTH

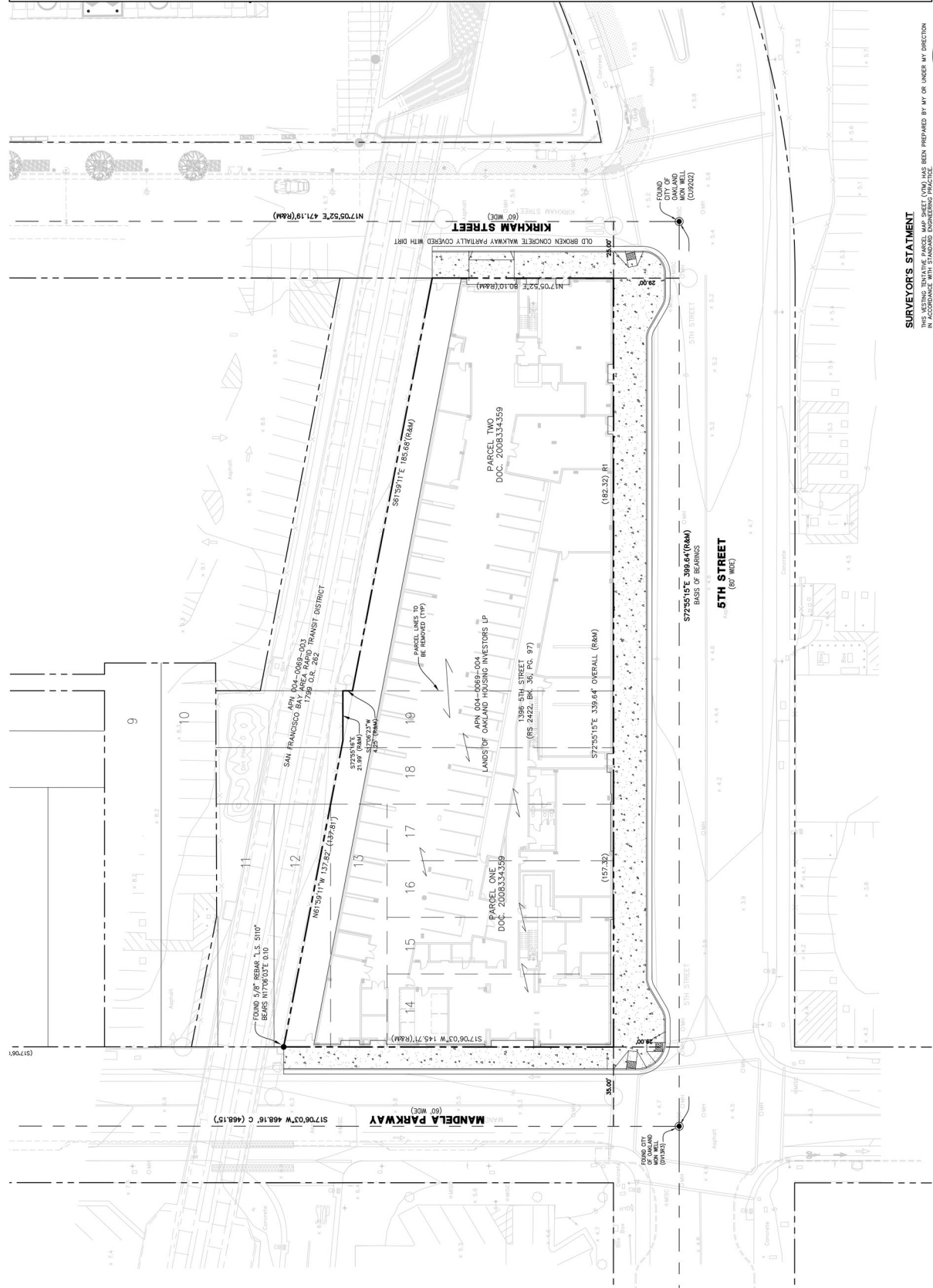
MEDIAN: 180.0 FT

Golden West Prevalent Lot Size Info (Median Area)

APN	AREA (SF)	WIDTH (FT)
004 004001000	3,927	105
004 004002002	5,709	170
004 007306000	6,290	120
004 007306000	6,290	120
004 009002002	9,049	171
004 009002002	9,049	171
004 007300700	10,641	120
004 009003000	15,038	245
004 009003000	15,038	245
004 004006000	31,225	250
004 009004000	37,000	345
004 009002001	41,790	180
004 009002001	41,790	180
013 030001007	189,362	600

Golden West Prevalent Lot Size Info (Median Width)

APN	AREA (SF)	WIDTH (FT)
004 004001000	3,927	105
004 007306000	6,290	120
004 007306000	6,290	120
004 009002002	9,049	171
004 009002002	9,049	171
004 007300700	10,641	120
004 009003000	15,038	245
004 009003000	15,038	245
004 004006000	31,225	250
004 007100000	110,696	330
004 009003000	15,038	245
004 009003000	15,038	245
013 030001007	189,362	600



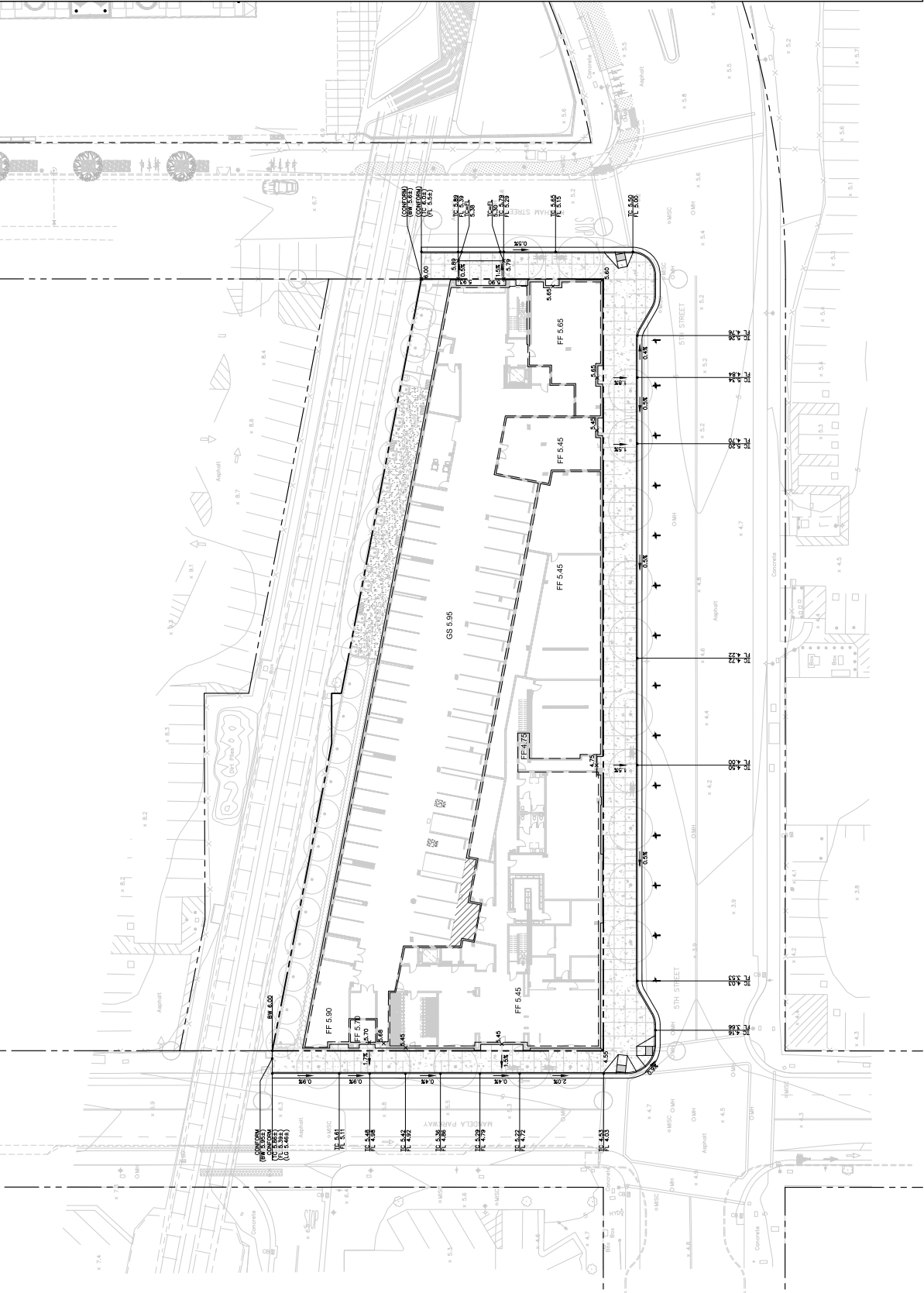
SURVEYOR'S STATEMENT
 THIS TENTATIVE PARCEL MAP SHEET (TMS) HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

DATE: 11/4/2020
 David Berling
 SURVEYING MANAGER
 BRF ENGINEERS



LEGEND

- PROPERTY LINE
- ADJACENT LOT LINE
- CONCRETE SIDEWALK
- VERTICAL CURB & GUTTER
(SEE CITY MANUAL 5-1, 5-2, 5-4)
- PAVEMENT DIMENSIONS
(SEE CITY MANUAL 5-2)
- PROPOSED GRADE
- SCOPE TO DRAIN



PRELIMINARY
GRADING PLAN
C3.0

11/4/2020

1898 5TH STREET
WEST OAKLAND, CA

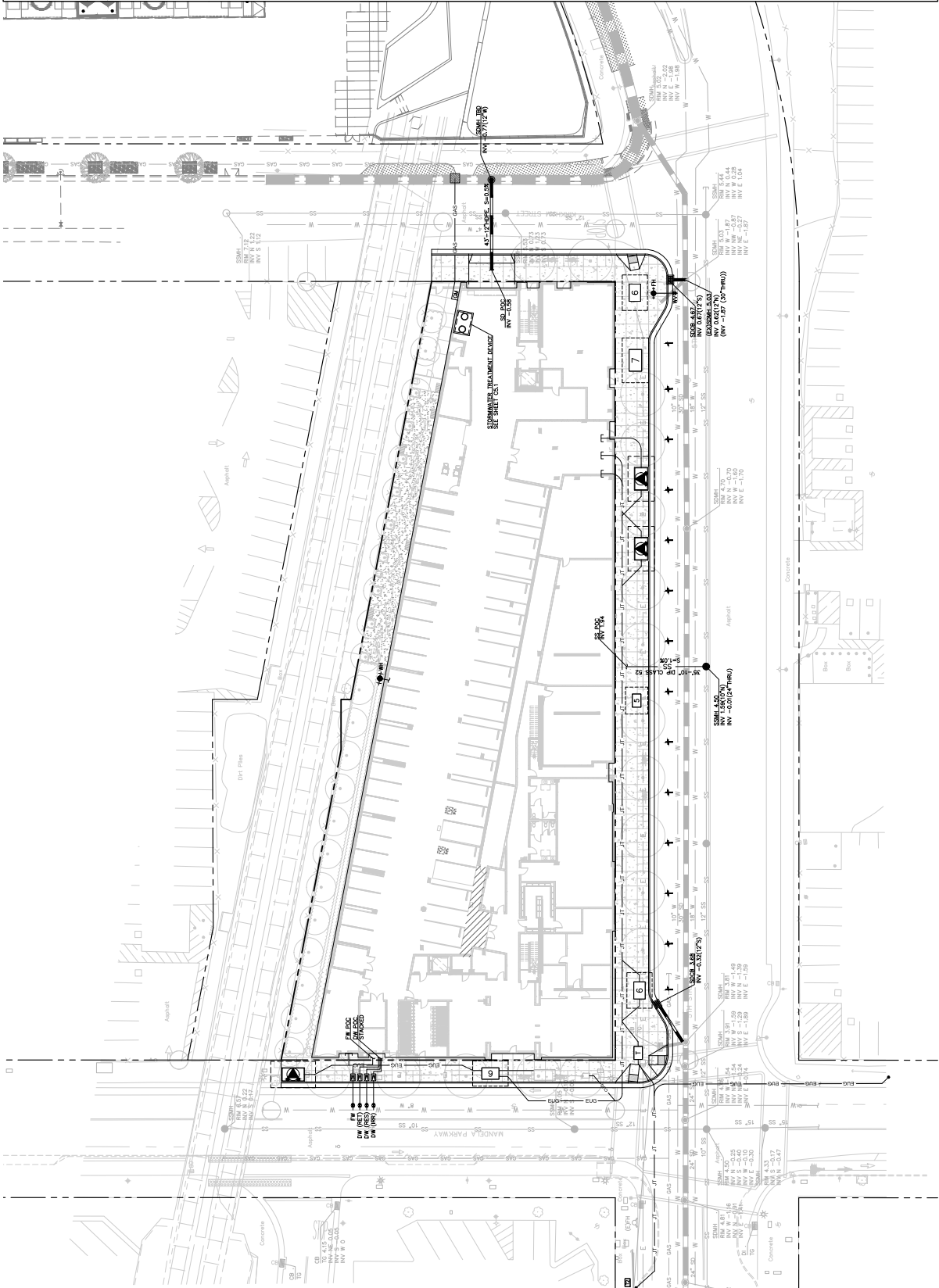


LEGEND

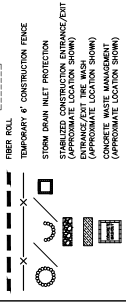
- PROPERTY LINE
- ADJACENT LOT LINE
- STORM DRAIN LINE
- SANITARY DRAIN LINE
- DOMESTIC WATER LINE
- FIRE WATER LINE
- JOINT TRENCH LINE
- CALL LINE
- (SHOWN FOR REFERENCE ONLY)
- STORM DRAIN MANHOLE
- STORM DRAIN CATCH BASIN
- SANITARY SEWER MANHOLE
- WATER METER (W/M)
- FIRE HYDRANT/W/HPF HYDRANT
- WALL MOUNTED FDC
- STORMWATER TREATMENT DEVICE (LOCATION TBD)
- TRANSFORMER (SHOWN FOR REFERENCE ONLY)
- ELECTRICAL VAULT (SHOWN FOR REFERENCE ONLY)



NOTES



LEGEND



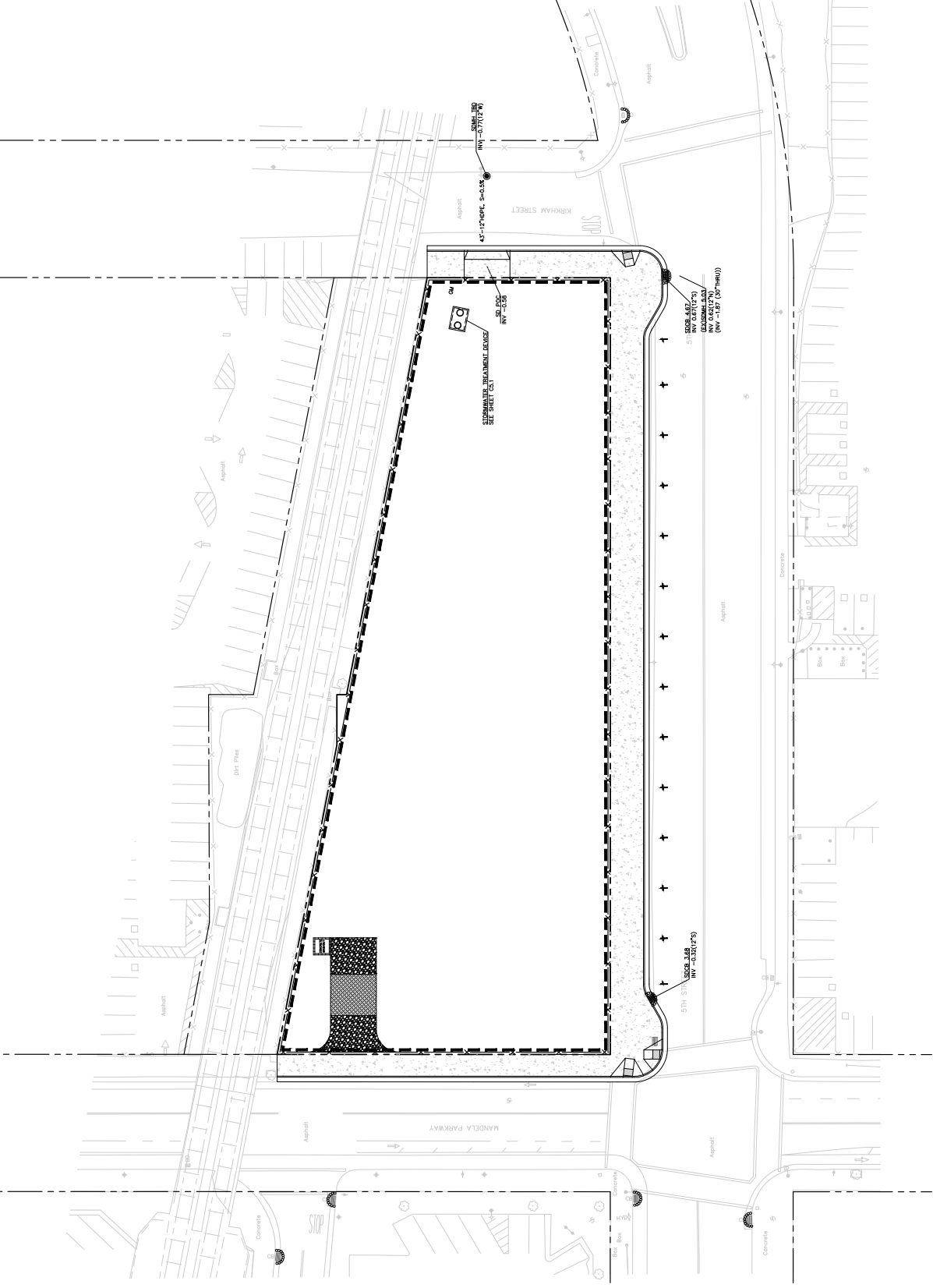
NOTES

1. THIS SHEET IS INTENDED FOR EROSION CONTROL ONLY.
2. STATE WATER RESOURCE CONTROL BOARD (SWRCB) ORDER NO. 18-2009-0008-2100, NOTES AND ATTACHMENTS TO THE PERMIT TO DISCHARGE, AND THE SWRCB GENERAL PERMIT (GP3).
3. THE CONTRACTOR SHALL MONITOR THE SITE IN ACCORDANCE WITH THE PREVENTION PLAN PRACTICES (PP3) THAT WILL MONITOR THE SITE IN ACCORDANCE WITH THE GP3.
4. SEE BEST MANAGEMENT PRACTICES ON SHEET 04.1.
5. UNPAVED AREAS AND LOCATIONS IN GENERAL, THE CONTRACTOR IS RESPONSIBLE FOR KEEPING ANY UNPAVED AREAS AND LOCATIONS IN GENERAL FREE OF EXCESSIVE SEDIMENT AND SOIL TO BE REUSED BY THE CONTRACTOR OR AS NEEDED TO BE USED TO AMEND SLOTTED CURBS LEAVING THE SITE. THE CONTRACTOR SHALL USE THE SEDIMENT BARRIERS SHOWN ON THIS PLAN.
6. PROTECT ALL INLETS WITHIN 100' OF PROJECT SITE.

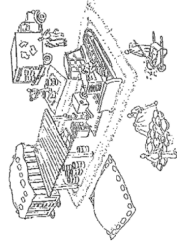
1898 5TH STREET
WEST OAKLAND, CA

11/4/2020

EROSION
CONTROL PLAN
CS3



Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with County of Alameda requirements.

Materials storage & spill cleanup

- Non-hazardous materials management
 - Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
 - Use (but don't overuse) reclaimed water for dust control as needed.
 - Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
 - Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with Alameda County Ordinances for recycling construction materials, wood, gypsum, pipe, etc.
 - Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
 - Cover all dumpsters with a tarp at the end of every work day or during wet weather.
- Hazardous materials management
 - Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
 - Store hazardous materials and wastes in water-tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
 - Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
 - Be sure to arrange for appropriate disposal of all hazardous wastes.

Vehicle and equipment maintenance & cleaning

- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area to cover a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- Keep excavated soil on the site where it will not collect in the street.
- Transfer to dump trucks should take place on the site, not in the street.
- Use filter rolls, silt fences, or other control measures to minimize the flow of silt off the site.
- Earth moving activities are only allowed during dry weather by permit and as approved by the County Inspector in the Field.
- Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place finer roll-down-slope until soil is secure.
- If you suspect contamination (from site history, dislocation, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.

Concrete, grout, and mortar storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



Painting

- Never rinse paint brushes or materials in a gutter or street!
- Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- Paint out excess oil-based paint before cleaning brushes in thinner.
- Filter paint thinners and solvents for reuse, whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Landscape Materials

- Contain, cover, and store on pallets all stock-piled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Dewatering operations

- Effectively manage all run-off, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Rinse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

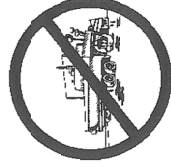


Saw cutting

- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner).
- If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- Protect gutters, ditches, and drainage courses with sand/gravel bags or earthen berms.
- Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- Do not use water to wash down fresh asphalt concrete pavement.

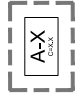


Storm drain polluters may be liable for fines of \$10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.catmiphandbooks.com



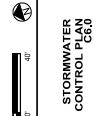
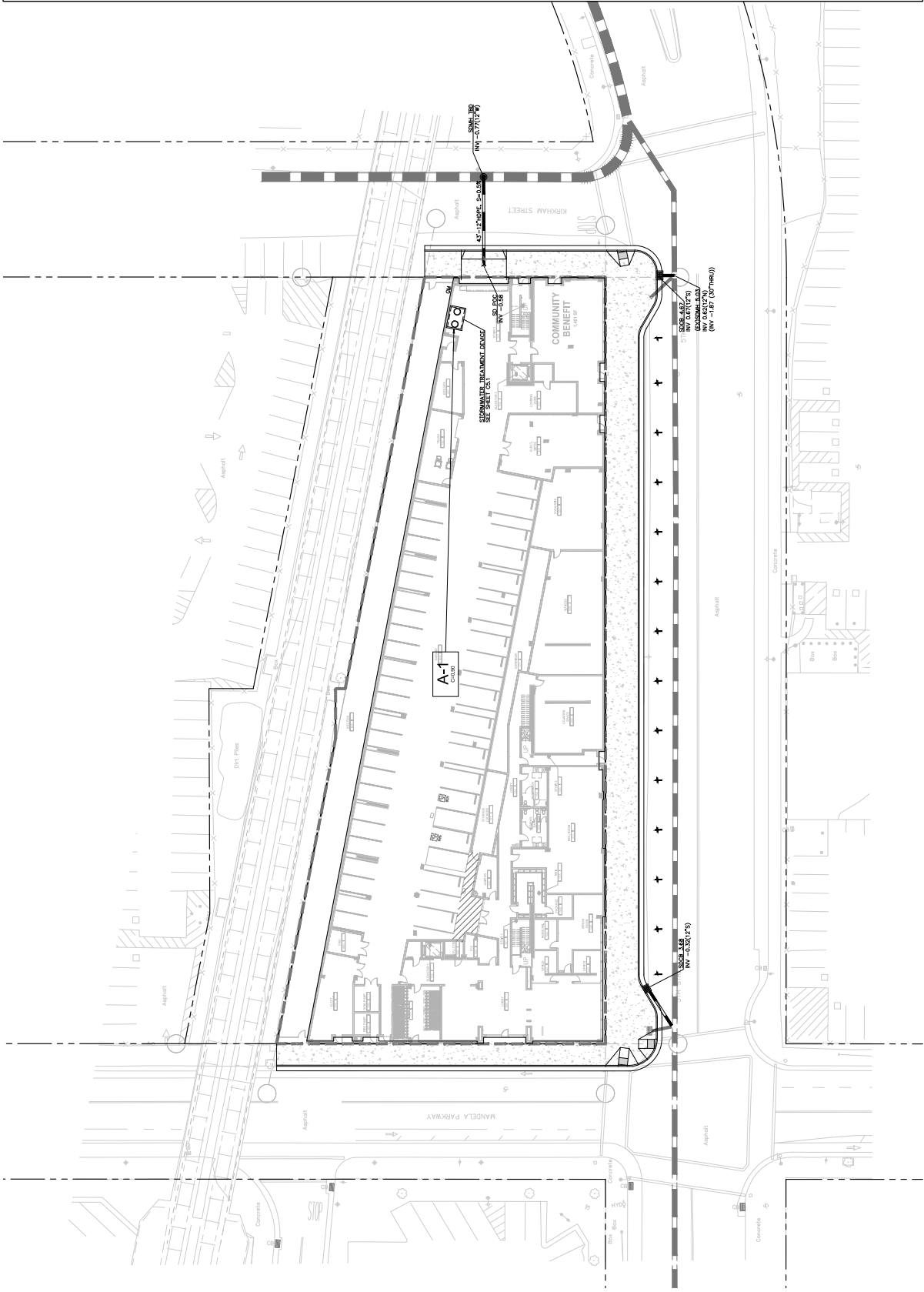
LEGEND



AX
LIMITED LIABILITY AREA

Title-X
STANDARD CONCRETE WALLS

NOTES



1898 5TH STREET
WEST OAKLAND, CA
11/4/2020



TREATMENT CONTROL MEASURE SUMMARY (BUILDING A)			
AREAS	DRAINAGE	IMPERVIOUS SURFACE	NON-LID TREATMENT CONTROLS
A-1	38,393	0	88-1/2" DIA-1
A-2	38,393	0	0.182
A-3	38,393	0	0.190

FILTER SIZING CALCULATION			
SD1D-1	(H)	(W)	A
0.5	2.7	0.12	38,393
C = COEFFICIENT OF RUNOFF			
I = INTENSITY OF STORM (IN/H)			
A = AREA (SQ. FT)			
QMF = MAXIMUM FLOW RATE (CFS)			
QDT = TREATMENT FLOW RATE (CFS)			

Washington GULD®

MINIMUM DEPTH
FROM TOP OF INLET
CONCRETE FALSE FLOOR
TO TOP OF FILTER CARTRIDGE

INLET SIZE	MINIMUM DEPTH
48"	88"
36"	71"
30"	60"

Washington GULD®

MINIMUM DEPTH
FROM TOP OF INLET
CONCRETE FALSE FLOOR
TO TOP OF FILTER CARTRIDGE

INLET SIZE	MINIMUM DEPTH
48"	88"
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INLET SIZE	MINIMUM DEPTH
48"	88"
36"	71"
30"	60"

EXHIBIT B



May 10, 2017

Oakland Housing Investors, LC
3 E. Stow Road, Suite 100
Attn: Mr. Michael Boettger
Marlton, NJ 08053
(Sent via E-mail to: mboettger@themichaelsorg.com)

Oakland Housing Investors, LC
c/o National Affordable Communities, Inc.
Attn: Mr. Darren Berberian
4299 MacArthur Blvd, Suite 215,
Newport Beach, CA 92660

1396 5th Street LLC
Attn: Mr. Curtis Eisenberger
1357 5th Street, Oakland, CA 94607

Subject: Case Closure for Site Cleanup Program Case No. RO0002896 and GeoTracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607

Dear Mr. Boettger, Mr. Berberian, and Mr. Eisenberger:

This letter confirms the completion of site investigation and remedial actions for the soil and groundwater investigation at the above referenced site. We are also transmitting the enclosed case closure summary. These documents confirm the completion of the investigation and cleanup of the reported releases at the subject site with the provision that the information provided to this agency was accurate and representative of existing conditions. The subject Site Cleanup Program (SCP) case is closed. This case closure letter and the case closure summary can also be viewed on the State Water Resources Control Board's Geotracker website (<http://geotracker.swrcb.ca.gov>) and the Alameda County Department of Environmental Health website (<http://www.acgov.org/aceh/index.htm>).

SITE INVESTIGATION AND CLEANUP SUMMARY

Please be advised that areas of residual contamination are present at this site above environmental screening levels. Case closure for this site is granted for the current commercial land use as a vacant lot only.

If you have any questions, please call Dilan Roe at (510) 567-6767.

Sincerely,

Dilan Roe, P.E.
Chief, Land Water Division

Responsible Parties
RO0002896
May 10, 2017
Page 2

Enclosures: 1. Remedial Action Completion Certification
 2. Case Closure Summary

cc with enclosure:

Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614
(sent via E-mail to: HFernebok@themichaelsorg.com)

Mark Drollinger, Citadel Environmental Services Inc., 1725 Victory Boulevard, Suite 200,
Glendale, CA 91201 (Sent via E-mail to: mdrollinger@CitadelEnvironmental.com)

Mark Johannes Arniola, City of Oakland Public Works Environmental Services, 250 Frank H.
Ogawa Plaza, Ste. 5301, Oakland, CA 94612 (Sent via e-mail to: marniola@oaklandnet.com)

Laurent Meillier, SF- Regional Water Quality Control Board, 1515 Clay Street, Suite 1400,
Oakland, CA 94612, (sent via electronic mail to L.Meillier@waterboards.ca.gov)

Dilan Roe, ACDEH (Sent via e-mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)

Case Electronic File, GeoTracker

Case Closure Summary Form

Agency Information

Date: May 10, 2017

Alameda County Department of Environmental Health	Address: 1131 Harbor Bay Parkway
City/State/Zip: Alameda, CA 94502-6577	Phone: (510) 567-6764
Case Worker: Dilan Roe	Title: Chief Land Water Division

Case Information

Facility Name: Red Star Yeast/1396 Fifth Street LLC		
Facility Address: 1396 5th Street, Oakland, CA 94607		
Regional Water Board LUSTIS Case No.: NA	Former Case No.: NA	Current Site Cleanup Case No.: RO0002896
Unauthorized Release Form Filing Date: NA	State Water Board GeoTracker Global ID: T06019794669	
Assessor Parcel Number: 4-69-4	Current Land Use: Commercial (vacant lot)	
Responsible Party(s):	Address:	Phone:
Oakland Housing Investors, LP Attn: Michael Boettger	3 E. Stow Road, Suite 100 Marlton, NJ 08053	---
Oakland Housing Investors, LP c/o National Affordable Communities, Inc. Attn Mr. Darren Berberian	4299 MacArthur Blvd, Suite 215, Newport Beach, CA 92660	---
1396 5th Street LLC Attn: Curtis Eisenberger	1357 5th Street, Oakland, CA 94607	---

Tank Information

Tank No.	Size (gal)	Contents	Closed in-Place / Removed	Date
---	3000-gallon	Diesel	Removed	10/04/2006
---	250-gallon	Unknown	Removed	11/30/2011
---	2,500-gallon	Unknown	Removed	11/30/2011
---	10,000-gallon	Unknown	Closed-in-Place	11/30/2011

Case Closure Summary Form

Site History

Site Land-Use

The subject property (APN 4-69-4) is located at 1396 5th Street, between Mandela Parkway and Kirkham Street, in the northwest portion of the City of Oakland. The case was opened by Alameda County Department of Environmental Health (ACDEH) in 2005 in conjunction with a proposed residential redevelopment of the former Red Star Yeast Company manufacturing plant which operated at the site from approximately 1902 until 2003. Extensive excavation of metal impacted soil was conducted in conjunction with site redevelopment which began in 2011, however in 2012 a fire occurred during the construction phase and significantly damaged the site structure and surrounding properties. The remaining structure from the fire consisted of a concrete podium which was removed in April 2016. Additional investigation activities were conducted in 2016 to (1) assess data gaps in the confirmation sampling of the previously excavated areas of the site and assess fill material used to backfill the remedial excavation; and (2) assess soil and groundwater conditions in the vicinity of underground storage tanks discovered in the sidewalk during site development in 2011 as well as the potential for upgradient off-site sources of petroleum contamination. At the time of this case closure, there are no plans to redevelop the property and the site is a vacant dirt lot surrounded by a chain-linked fence and thus the case was closed to the site's current commercial land-use scenario.

Future Site Management Requirements

Due to residual contamination at the site and due to the current owner not planning further redevelopment, the site is closed to its commercial land use as a vacant lot with site management requirements. If there is a proposed change in land use to any residential, or conservative land use, or if any redevelopment occurs, ACDEH must be notified as required by Government Code Section 65850.2.2. ACDEH will re-evaluate the site relative to the proposed redevelopment. Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party prior to and during excavation and construction activities.

Historic Land-Use / Site Investigation/ Remediation Activities

The primary constituents of concern identified during site assessments conducted from 2004 to 2016 include metals in artificial fill material and low levels of petroleum hydrocarbons in soil and groundwater. A summary of previous site investigation is provided below.

The site historically operated as a brewery, a yeast and vinegar manufacturing facility from approximately 1900 until 1965, and then solely as a yeast manufacturing plant from approximately 1965 until 2003. As of June 2000, according to a Phase I report, the site had the following: two cooling towers; many different-sized above ground storage tanks (ASTs); storage buildings for new and used oil; a transformer, where no polychlorinated biphenyl's (PCBs) were detected; a propane forklift and five electric forklifts; an elevator with hydraulic equipment that used soluble oil since 1978; two boilers; a 3,000-gallon diesel underground storage tank (UST) which fueled two former boilers at the site that was closed in place in 1989; and various sewer pipes, sumps, and drains. In addition, according to a 1902 Sanborn map, a UST for oil was located under a building in the central area of the site. During a sewer replacement in 1996, mercury was found in the soil around a floor drain, and flowed into the drain and through a crack in the sewer pipe. Soil and groundwater were reportedly removed during the cleanup. However, there is lack of documentation of the investigation, analytical results, and verification of regulatory closure.

Remaining structures were removed or demolished by 2004. The site was planned for redevelopment as four stories of residential units above a podium garage. Between August 2004 and May 2007, 27 boreholes were advanced, and 39 shallow soil samples and 10 grab groundwater samples were collected, which were analyzed for the following: Total Petroleum Hydrocarbons as gasoline (TPH-g), diesel (TPH-d), and motor oil (TPH-mo); benzene, toluene, ethylbenzenes and total xylenes (BTEX); methyl tert-butyl ether (MTBE); metals; volatile organic compounds (VOCs) and semi-VOCs; and polycyclic aromatic hydrocarbons (PAHs). Analytical results showed elevated TPH-d and TPH-mo in groundwater, and elevated lead in soil likely from imported fill placed throughout the site.

In 2006 the closed-in-place 3,000-gallon diesel UST was removed. Twenty yards of soil were excavated and 6,300 gallons of groundwater pumped from the tank pit. One soil sidewall sample and one grab groundwater sample were collected. Analytical results showed TPH-d at 180 µg/L in groundwater. The case was closed under the oversight of the City of Oakland Fire Department.

In January 2011 a geophysical survey was performed. Pits were excavated around identified structures which were removed. The removed structures included the following: a properly decommissioned water supply well; an elevator piston, a sewer system connection; and structural pilings. Confirmation sampling was performed in each pit, showing elevated lead above the screening level, which required additional excavation.

Case Closure Summary Form

In March 2011 further characterization was performed with the goal of obtaining closure with unrestricted land use. Fifteen soil borings and five temporary monitoring wells were advanced at the site. Sixty shallow soil samples were collected and analyzed for the following: TPH-g, TPH-mo, TPH-d, and metals; and 5 groundwater samples were collected and analyzed for TPH-g, TPH-mo, TPH-d, volatile organic compounds (VOCs), and semi-VOCs. Results showed lead contamination both in the fill and in the native soil below the fill. Groundwater results showed 2400 µg/L of TPH-mo at the northern area of the site.

In August 2011, remedial excavation occurred and confirmation samples were collected and analyzed for TPH and metals. The final excavation depths were as follows: 5 feet below ground surface at the northwest area of the property; between 6 and 7 feet bgs at the western half of the property into native soil; 3 feet bgs into native soil at the central eastern portion; and 4 feet bgs at targeted areas of the easternmost area of the site. Most of the deepest Confirmation samples in the western half had lead above the residential San Francisco Bay Regional Water Quality Control Board's Environmental Screening Level (ESL) of 80 mg/kg. One sample in the eastern portion had lead above the residential ESL.

In September 2011 during the excavation activities, 3 USTs, one 250-gallon, one 2,500-gallon, and one 10,000-gallon, were discovered in the sidewalk at the southern edge of the property along 5th Street. In November 2011, the 10,000-gallon UST at the corner of Mandela Parkway and 5th Street was left in place and the other two tanks removed under Oakland Fire Department oversight. A Tank Removal and Closure Report was submitted, but contained inconsistencies.

In addition, during excavation activities, a substance that appeared to be oil was found seeping from the north sidewall in the northwest area of the site. Oil and contaminated soil were reportedly removed from on-site.

During August and September 2011, approximately 7,000 tons of imported aggregate/sand mix was put in place as fill, after which development began. In June 2012, a fire destroyed the project during construction, leaving a concrete podium, which was removed in April 2016.

In June 2016, 9 boreholes were advanced across the site and a total of 27 soil samples and 2 grab groundwater samples were collected and analyzed to address the following data gaps: the lack of documentation of the source and types of quality control used in backfilling the excavation; the need for further characterization of lead in native soil below the fill; and the need for further characterization of soil and groundwater at the areas of the oil seepage from the north sidewall and the former location of temporary monitoring well MW-5 to evaluate for the potential for off-site source of contamination.

The aggregate fill was analyzed for PCBs, PAHs, TPH and lead. The analytical results for the fill showed that some PAHs were elevated above the ESLs for residential land use, but PAHs were below commercial land use ESLs. Residual PAHs were likely secondary to the fire that occurred at the site. Lead was not found to be elevated above the commercial or residential ESLs in both fill and native soil samples.

Soil samples collected in the vicinity of the north wall seepage were analyzed for TPH, and groundwater samples collected were analyzed for TPH, BTEX, MTBE, and other oxygenates and VOCs. Soil samples showed concentrations of TPH below residential and commercial Direct Exposure Human Health Risk Levels. Groundwater samples collected in the northern portion of the site at locations upgradient of the former UST locations were analyzed for TPH-g, TPH-d, TPH-mo, BTEX, and VOCs. Groundwater results indicate that there is TPH-g, TPH-d, BTEX and TBA impacts to groundwater in the northern portion of the site. The most likely source of this contamination is the railroad right-of-way immediately north of the site or the former service station located approximately 175 feet north of the site.

Three borings were advanced and 6 soil samples collected and 3 grab groundwater samples collected in the areas of the former locations of the two removed USTs and the closed-in-place UST to further characterize these areas for potential contamination. Soil and groundwater samples collected adjacent to the former USTs were low or non-detect.

Potential Exposure to Chemicals of Concern

There is no potential exposure to chemicals of concern for the current commercial land use as a vacant lot.

Case Closure Summary Form

Institutional Controls

Not Applicable

Engineering Controls

Not Applicable

Case Closure Public Notification Information

Agency Type	Agency Name	Contact Information
Regional Water Board	San Francisco Bay	Laurent Meillier 1515 Clay Street, Suite 1400, Oakland, CA 94612
Municipal and County Water Districts	East Bay Municipal Utility District	EBMUD Utility Discharge Section P.O. Box 24055, MS 702 Oakland, CA 94623 Attn.: Chandra Johannesson
Water Replenishment Districts	Not Applicable	----
Groundwater Basin Managers	Not Applicable	----
Planning Agency	City of Oakland	City of Oakland Planning and Building 250 Frank H. Ogawa Plaza, Suite 2114 Oakland, CA 94612 Attn.: Dave Harlan
Public Works Agency	City of Oakland	City of Oakland Public Works Environmental Services 250 Frank H. Ogawa Plaza, Suite 5301 Oakland, CA 94612 Attn.: Mark Arniola

Local Agency Signatures

Chief: Dilan Roe	Title: Chief, Land Water Division
Signature: <i>Dilan Roe</i>	Date: <i>MAY 10, 2017</i>

This Case Closure Summary along with the Case Closure Transmittal letter and the Remedial Action Completion Certification provides documentation of the case closure. This closure approval is based upon the available information and with the provision that the information provided to this agency was accurate and representative of site conditions. The Conceptual Site Model may not contain all available data. Additional information on the case can be viewed in the online case file. The entire case file can be viewed over the Internet on the Alameda County Department of Environmental Health (ACDEH) website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Not all historic documents for the fuel leak case may be available on GeoTracker. A more complete historic case file for this site is located on the ACDEH website.

Case Closure Summary Form

GeoTracker Conceptual Site Model (Attachment 1, 2 pages)

Soil Evaluation and Data (Attachment 2, 27 pages)

Groundwater Evaluation and Data (Attachment 3, 12 pages)

Responsible Party Identification (Attachment 4, 2 pages)

Public Notification of Potential Case Closure (Attachment 5, 2 pages)

ATTACHMENT 1

RED STAR YEAST / 1396 FIFTH STREET LLC (T06019794669) - [MAP THIS SITE](#)

1396 5TH
OAKLAND, CA 94607
ALAMEDA COUNTY
CLEANUP PROGRAM SITE
STATUS: COMPLETED - CASE CLOSED

CLEANUP OVERSIGHT AGENCIES
ALAMEDA COUNTY LOP (LEAD) - CASE #: RO0002898 - [DILAN ROE](#)
SAN FRANCISCO BAY RWQCB (REGION 2) - CASE #: NA

[Activities Report](#) [Documents / Data](#) [Environmental Conditions](#) [Admin](#) [Funding](#) [Case Reviews](#)

THIS PROJECT WAS LAST MODIFIED BY [DILAN ROE](#) ON 5/11/2017 1:06:18 PM - [HISTORY](#)

CSM REPORT - [VIEW PUBLIC NOTICING VERSION OF THIS REPORT](#)

UST CLEANUP FUND CLAIM INFORMATION (DATA PULLED FROM SCUFIIS)

CLAIM NO	PRIORITY	CLAIMANT	SITE ADDRESS	AMT REIMB TO DATE	AGE OF LOC	IMPACTED WELLS?	FIVE YEAR REVIEW INFORMATION				
							REVIEW NUM	REVIEWER	FUND RECOMMENDATION	TO OVERSIGHT DATE	TO CLAIM

PROJECT INFORMATION (DATA PULLED FROM GEOTRACKER) - [MAP THIS SITE](#)

SITE NAME / ADDRESS	STATUS	STATUS DATE	RELEASE REPORT DATE	AGE OF CASE	CLEANUP OVERSIGHT AGENCIES
RED STAR YEAST / 1396 FIFTH STREET LLC (Global ID: T06019794669) 1396 5TH OAKLAND, CA 94607	Completed - Case Closed	5/10/2017	6/15/2005	12	ALAMEDA COUNTY LOP (LEAD) - CASE #: RO0002898 CASEWORKER: DILAN ROE - SUPERVISOR: NK SPECIFIED SAN FRANCISCO BAY RWQCB (REGION 2) - CASE #:

STAFF NOTES (INTERNAL)
<NO STAFF NOTES ENTERED>

SITE HISTORY

Site Land-Use: The subject property (APN 4-69-4) is located at 1396 5th Street, between Mandela Parkway and Kirkham Street, in the northwest portion of the City of Oakland. The case was opened by Alameda Department of Environmental Health (ACDEH) in 2005 in conjunction with a proposed residential redevelopment of the former Red Star Yeast Company manufacturing plant which operated at the site from approximately 1902 until 2003. Extensive excavation of metal impacted soil was conducted in conjunction with site redevelopment which began in 2011, however in 2012 a fire occurred during the construction and significantly damaged the site structure and surrounding properties. The remaining structure from the fire consisted of a concrete podium which was removed in April 2016. Additional investigation activity conducted in 2016 to (1) assess data gaps in the confirmation sampling of the previously excavated areas of the site and assess fill material used to backfill the remedial excavation; and (2) assess soil and groundwater conditions in the vicinity of underground storage tanks discovered in the sidewalk during site development in 2011 as well as the potential for upgradient off-site sources of petroleum contamination. At the time of case closure, there are no plans to redevelop the property and the site is a vacant dirt lot surrounded by a chain-linked fence and thus the case was closed to the site's current commercial land-use scenario.

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Potential Exposure to Chemicals of Concern: There is no potential exposure to chemicals of concern for the current commercial land use as a vacant lot.

RESPONSIBLE PARTIES

NAME	ORGANIZATION	ADDRESS	CITY	EMAIL
MICHAEL BOETTGER	Oakland Housing Investors LP	3 E STOW ROAD	MARLTON	mboettger@themichaelsg.com

CLEANUP ACTION INFO

ACTION TYPE	BEGIN DATE	END DATE	PHASE	CONTAMINANT MASS REMOVED	DESCRIPTION
EXCAVATION	8/17/2011	8/29/2011	Soil	12,900 Tons	

RISK INFORMATION

CONTAMINANTS OF CONCERN	CURRENT LAND USE	BENEFICIAL USE	DISCHARGE SOURCE	DATE REPORTED	STOP METHOD	NEARBY / IMI WELLS
Lead, Mercury (elemental), Nickel, Other Metal, Gasoline, Total Petroleum Hydrocarbons (TPH)	Commercial, Industrial	GW - Municipal and Domestic Supply		6/15/2005	Other Means	0

FREE PRODUCT	OTHER CONSTITUENTS	NAME OF WATER SYSTEM	LAST REGULATORY ACTIVITY	LAST EPI UPLOAD	LAST EDF UPLOAD	EXPECTED CLOSURE DATE	MOST RECENT CLOSURE RE
--------------	--------------------	----------------------	--------------------------	-----------------	-----------------	-----------------------	------------------------

11/22/2016 2/23/2017 12/7/2016

CDPH WELLS WITHIN 1500 FEET OF THIS SITE

NONE

CALCULATED FIELDS (BASED ON LATITUDE / LONGITUDE)

APN 004 006900400	GW BASIN NAME Santa Clara Valley - East Bay Plain (2-9.04)	WATERSHED NAME South Bay - East Bay Cities (204.20)
COUNTY Alameda	PUBLIC WATER SYSTEM(S) • EAST BAY MUD - 375 ELEVENTH STREET, OAKLAND, CA 94607	

MOST RECENT CONCENTRATIONS OF PETROLEUM CONSTITUENTS IN GROUNDWATER - [SHOW](#)

[VIEW ESLS](#)

MOST RECENT CONCENTRATIONS OF PETROLEUM CONSTITUENTS IN SOIL - [SHOW](#)

[VIEW ESLS](#)

MOST RECENT GEO. WELL DATA - [SHOW](#)

[VIEW ESLS](#)

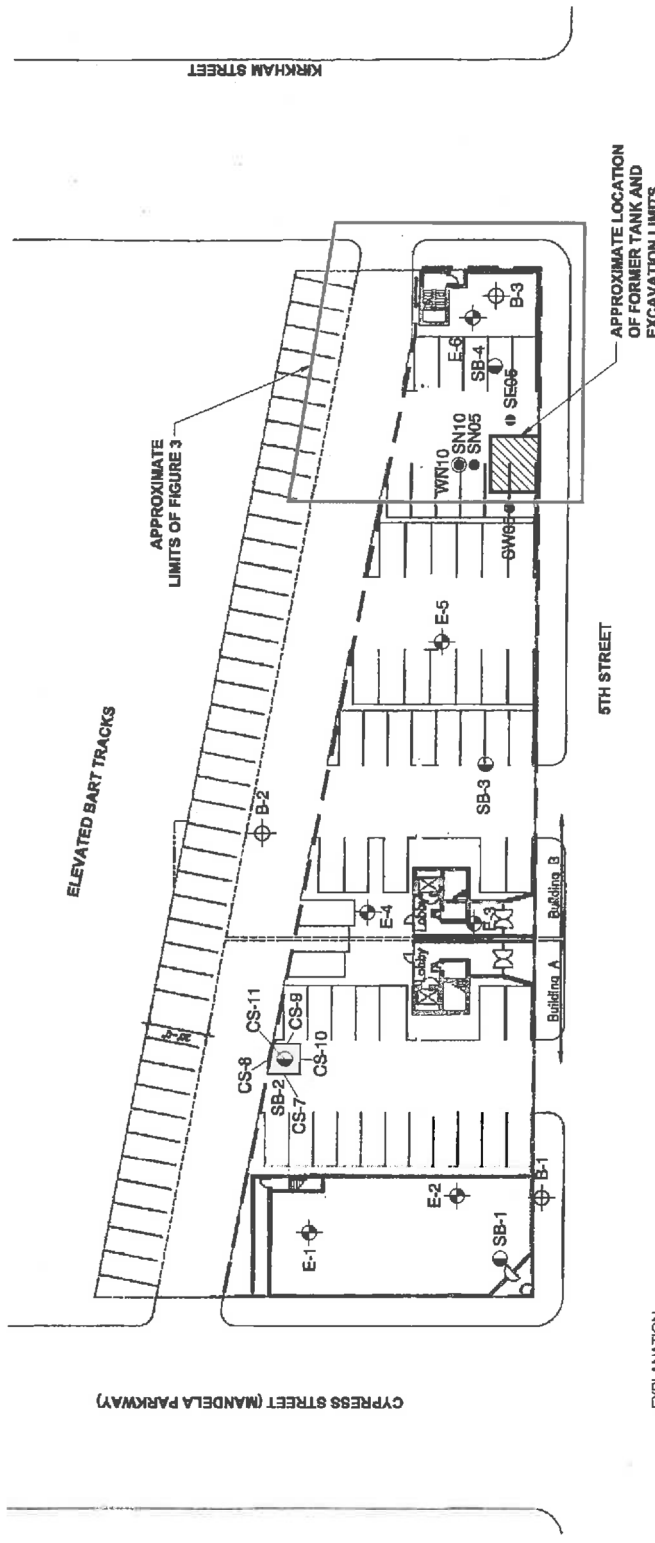
ATTACHMENT 2

Attachment 2 – Direct Contact Evaluation and Data

LTCP DIRECT CONTACT AND OUTDOOR AIR EXPOSURE CRITERIA						
Closure Scenario						
<p>___ Exemption (no petroleum hydrocarbons in upper 10 feet), ___ Maximum concentrations of petroleum hydrocarbons are less than or equal to those in Table 1 below, ___ Site-specific risk assessment, _X_ A determination has been made that the concentrations of petroleum in soil will have no significant risk of adversely affecting human health, ___ A determination has been made that the concentrations of petroleum in soil will have no significant risk of adversely affecting human health as a result of controlling exposure through the use of mitigation measures or through the use of institutional controls, ___ This case should be closed in spite of not meeting the direct contact and outdoor air specific media criteria.</p>						
Evaluation Criteria: Bold indicates criteria met.						
Are maximum concentrations less than those in Table 1 below?				No		
Constituent		Residential		Commercial/Industrial		Utility Worker
		0 to 5 feet bgs (mg/kg)	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 5 feet bgs (mg/kg)	Volatilization to outdoor air (5 to 10 feet bgs) mg/kg	0 to 10 feet bgs (mg/kg)
Site Maximum	Benzene	<0.005	< 0.001	< 0.005	<0.001	< 0.005
LTCP Criteria	Benzene	≤1.9	≤2.8	≤8.2	≤12	≤14
Site Maximum	Ethylbenzene	<0.005	< 0.001	< 0.005	< 0.001	< 0.005
LTCP Criteria	Ethylbenzene	≤21	≤32	≤89	≤134	≤314
Site Maximum	Naphthalene	0.015	---	0.015	---	0.015 (0 to 5 ft)
LTCP Criteria	Naphthalene	≤9.7	≤9.7	≤45	≤45	≤219
Site Maximum	PAHs	0.21	---	0.21	---	0.21 (0 to 5 ft)
LTCP Criteria	PAHs	≤0.063	NA	≤0.68	NA	≤4.5
Direct Contact and Outdoor Air Analysis						
<p>This site meets the Commercial/Industrial criteria with the following exceptions: 1) the lack of analysis in soil between 5 and 10 feet for PAHs and naphthalene in the area of the UST for oil that was located under a building in the central area of the site according to a 1902 Sanborn map; and 2) the lack of analysis in soil between 5 and 10 for benzene and ethylbenzene in the areas of the two removed USTs and the one closed-in-place UST that were found in the sidewalk at the southern edge of the property;</p> <p>Due to residual contamination at the site, the site is closed as a commercial vacant site with site management requirements. If there is a proposed change in land use to any residential, or conservative land use, or if any redevelopment occurs, ACDEH must be notified as required by Government Code Section 65850.2.2. ACDEH will re-evaluate the site relative to the proposed redevelopment. Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party prior to and during excavation and construction activities</p>						

Attachment 2 – Direct Contact Evaluation and Data

DIRECT CONTACT – NON-PETROLEUM				
Closure Guidance				
San Francisco Bay Regional Water Quality Control Board's <i>Environmental Screening Level Tables</i> , in conjunction with <i>User's Guide: Derivation and Application of Environmental Screening Levels</i> , and, revised in December 2013.				
Closure Scenario				
<input checked="" type="checkbox"/> Maximum concentrations of contaminants are less than or equal to those in Table 1 below, <input type="checkbox"/> Site-specific risk assessment, <input type="checkbox"/> A determination has been made that the concentrations of contaminants in soil will have no significant risk of adversely affecting human health as a result of controlling exposure through the use of mitigation measures or through the use of institutional controls.				
Evaluation Criteria: Bold indicates criteria met.				
Are maximum concentrations less than those in Table 1 below?			Yes	
Constituent		Residential	Commercial / Industrial	Utility Worker
		0 to 10 feet bgs (mg/kg)	0 to 10 feet bgs (mg/kg)	0 to 10 feet bgs (mg/kg)
Site Maximum	Mercury	0.29	0.29	0.29
Direct Contact ESL	Mercury	13	190	44
Site Maximum	Lead	93	93	93
Direct Contact ESL	Lead	80	320	160
Site Maximum	PCBs	< 0.084	< 0.084	< 0.084
Direct Contact ESL	PCBs	0.25	1.0	5.6
Direct Contact Analysis				
Pollutant Sources are Identified and Evaluated			Yes. Native soil; imported fill	
Site is Adequately Characterized			Yes. The native soil, fill material placed at the site in the 1800s and the fill material used to backfill the remedial excavation in 2011 has been adequately characterized	
Exposure Pathways, Receptors, and Potential Risks, Threats, and Other Environmental Concerns are Identified and Assessed			The site is currently a vacant dirt lot that is fenced to restrict access.	
Are maximum soil concentrations less than relevant screening criteria?			With the exception of one soil sample collected at 3 feet below ground surface the site meets both residential and commercial/industrial direct exposure human health risk levels.	



EXPLANATION

- CS-7 Approximate location of confirmatory soil sample by Treadwell & Rollo, Inc., May 2007
- Approximate excavation area for confirmation sampling for total lead.
Sample CS-7 West, CS-8 North, CS-9 East, CS-10 South, collected from west, north, east, and south excavation sidewalls, respectively. Sample CS-11 Bot collected from excavation bottom (2.5 feet bgs).
- Approximate location of boring by Treadwell & Rollo, Inc., April 2006
- Approximate location of boring by Treadwell & Rollo, Inc., March 2005
- Approximate location of boring by Remediation Services, Inc., August 2004
- Grab soil sample location, by Treadwell & Rollo, Inc., November 2006, May 2007
- Grab groundwater sample location, by Treadwell & Rollo, Inc. November 2006

Note: Unless noted, soil samples collected 5 feet below ground surface, groundwater sample collected 6 feet below ground surface.

Reference: Ground Floor Plan - Option A by Philip Banta & Associates Architects, dated 11/03/04.

RED STAR YEAST SITE Oakland, California	
SITE PLAN	
Date 05/30/07	Project No. 4068.01
Figure 2	

Treadwell & Rollo

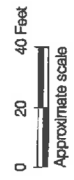


Table 5
Soil Analytical Results for Petroleum Hydrocarbons and Total Lead
Red Star Yeast
Oakland, California

DEPTH

5 FT

5 FT

5 FT

5 FT

Sample ID	Date Sample	TPHg	TPHd	MTBE	Benzene	Toluene	Ethlybenzene	Xylenes	Lead
		mg/kg							
ST-1	26-Sep-06	< 1.0	< 1.0	< 0.5	< 0.005	< 0.005	< 0.005	< 0.005	< 5.0
SE 05 (14Nov06)	14-Nov-06	< 1.0	1.3	NM	< 0.005	< 0.005	< 0.005	< 0.005	NM
SW 05 (14Nov06)	14-Nov-06	< 1.0	< 1.0	NM	< 0.005	< 0.005	< 0.005	< 0.005	NM
SN 05 (14Nov06)	14-Nov-06	< 1.0	2.0	NM	< 0.005	< 0.005	< 0.005	< 0.005	NM
SN 10 (14Nov06)	14-Nov-06	< 1.0	< 1.0	NM	< 0.005	< 0.005	< 0.005	< 0.005	NM

Notes:

All results are reported in milligrams per kilogram (mg/kg)

TPHg - Total Petroleum Hydrocarbons as Gasoline, EPA Method 8015M

TPHd - Total Petroleum Hydrocarbons as Diesel Range (C10-C23), EPA Method 8015M

MTBE - Methyl Tert Butyl Ether

<1.0 - Analyte was not detected above the laboratory reporting limit (1.0 mg/kg)

NM - Not Measured

Table 2
Soil Analytical Results for Metals
Red Star Yeast
1396 Fifth Street
Oakland, California

Sample ID	Date Sampled	Antimony (mg/kg)	Arsenic (mg/kg)	Barium (mg/kg)	Beryllium (mg/kg)	Cadmium (mg/kg)	Chromium (mg/kg)	Cobalt (mg/kg)	Copper (mg/kg)	Lead (mg/kg)	STLCL Lead (mg/L)	TCLP Lead (mg/L)	Mercury (mg/kg)	Molybdenum (mg/kg)	Nickel (mg/kg)	Selenium (mg/kg)	Silver (mg/kg)	Thallium (mg/kg)	Vanadium (mg/kg)	Zinc (mg/kg)
E-1-1.5	4/14/2006	--	--	--	--	<1.5	20	--	--	180	11	<0.2	--	--	25	--	--	--	--	280
E-1-2.5	4/14/2006	1.8	6.8	1,100	0.9	<0.25	16	7.7	38	27	--	--	0.12	1.4	18	<0.5	<0.5	<0.5	48	41
E-2-1.5	4/14/2006	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
E-2-2.5	4/14/2006	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
E-3-1.5	4/14/2006	<0.5	5.1	--	--	--	<0.5	--	--	<0.5	--	--	--	--	7.3	--	--	--	--	<5.0
E-3-2.5	4/14/2006	--	--	--	--	<1.5	24	--	--	140	6.7	<0.2	--	--	22	--	--	--	--	370
E-4-1.5	4/14/2006	--	--	--	--	<1.5	47	--	--	43	--	--	--	--	43	--	--	--	--	67
E-4-2.5	4/14/2006	<0.5	1.7	130	<0.5	<0.25	23	3.5	13	15	--	--	<0.05	<0.5	18	<0.5	<0.5	<0.5	22	34
E-5-1.5	4/14/2006	<0.5	3.1	140	<0.5	0.36	34	6.5	19	5.6	--	--	<0.05	<0.5	32	<0.5	<0.5	<0.5	39	49
E-5-2.5	4/14/2006	--	--	--	--	<1.5	29	--	--	34	--	--	--	--	22	--	--	--	--	200
E-6-1.5	4/14/2006	<0.5	4.3	190	<0.5	<0.25	31	7.9	18	76	3.4	<0.2	0.16	0.5	40	<0.5	<0.5	<0.5	45	92
E-6-2.5	4/14/2006	--	--	--	--	<1.5	50	--	--	<5.0	--	--	--	--	41	--	--	--	--	25

Notes:
mg/kg - milligrams per kilograms
< 5.0 - Analyte was not detected above the laboratory reporting limit (5.0 mg/kg).
-- Not analyzed

SOIL OVEREXCAVATED DURING REMEDIAL EXCAVATION IN 2011

Table 1
Soil Analytical Results for Petroleum Hydrocarbons
 Red Star Yeast
 1396 Fifth Street
 Oakland, California

Sample ID	Date Sample	TPHg	TPHd	TPHmo	MTBE	Benzene	Toluene	Ethylbenzene	Xylenes	VOCs	SVOCs
E-1-1.5	4/14/2006	<1.0	3.7	19	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-1-2.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	ND	ND
E-2-1.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-2-2.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-3-1.5	4/14/2006	<1.0	2.6	12	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-3-2.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	ND	--
E-4-1.5	4/14/2006	<1.0	5.6	38	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-4-2.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-5-1.5	4/14/2006	<1.0	1.4	6.0	<0.05	<0.005	<0.005	<0.005	<0.005	ND	--
E-5-2.5	4/14/2006	<1.0	3.2	20	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-6-1.5	4/14/2006	<1.0	7.8	43	<0.05	<0.005	<0.005	<0.005	<0.005	--	--
E-6-2.5	4/14/2006	<1.0	<1.0	<1.0	<0.05	<0.005	<0.005	<0.005	<0.005	ND	--

Notes:

TPHg - Total Petroleum Hydrocarbons as Gasoline, EPA Method 8015M
 TPHd - Total Petroleum Hydrocarbons as Diesel Range (C10-C23), EPA Method 8015M
 TPHmo - Total Petroleum Hydrocarbons as Motor Oil (C10-C23), EPA Method 8015M
 MTBE - Methyl Tert Butyl Ether
 VOCs - Volatile Organic Compounds, EPA 8260B
 SVOCs - Semi volatile organic compounds, EPA Method 8270
 All results are reported in milligrams per kilogram (mg/kg)
 <0.005 - Analyte was not detected above the laboratory reporting limit (0.005 mg/kg)
 -- Not Analyzed
 ND - Not detected at or above the laboratory reporting limit

Table 3
Summary of Analytical Data

Parameter	Method	Units	SB-1	GR-1	SB-2	GR-2	SB-3	SB-4
TPH (Diesel)	SW8015B	mg/Kg or mg/L	ND	ND	ND	ND	ND	ND
TPH (Gasoline)	SW8015B	mg/Kg or mg/L	ND	ND	ND	ND	ND	ND
VOCs	SW8260B	µg/Kg or µg/L	ND	ND	ND	ND	ND	ND
pH	SW9045C	pH units	7.24	6.61	8.6	6.88	8.16	8.09
PAHs	SW8270C	mg/Kg or mg/L		ND	0.52 ⁺ , 0.58 ^{**}	ND	ND	
Cadmium ***	SW6010B	mg/Kg or mg/L		ND	3.3	ND	1.4	
Chromium ***	SW6010B	mg/Kg or mg/L		ND	39	ND	28	
Lead ***	SW6010B	mg/Kg or mg/L		ND	2700	ND	29	
Mercury ***	SW7471A	mg/Kg or mg/L		ND	0.17	ND	ND	
Nickel ***	SW6010B	mg/Kg or mg/L		ND	42	ND	22	
Zinc ***	SW6010B	mg/Kg or mg/L		ND	1700	ND	34	
TDS	E160.1	mg/L		2400		1800		

* Result is for Fluoranthene

** Result is for Pyrene

*** SOIL OVEREXCAVATED DURING REMEDIAL EXCAVATION IN 2011

Table 1
Soil Analytical Results for Total Lead
Red Star Yeast
Oakland, CA
Project: 4068.01

Sample ID	Depth (feet)	Date Sampled	Lead
			(mg/kg)
CS-7-WEST	1.5	5/17/2007	180 *
CS-8-NORTH	1.5	5/17/2007	130 *
CS-9-EAST	1.5	5/17/2007	190 *
CS-10-SOUTH	1.5	5/17/2007	110 *
CS-11-BOT	2.5	5/17/2007	94 *

Notes:

mg/kg - milligrams per kilograms

* SOIL OVEREXCAVATED DURING REMEDIAL EXCAVATION IN 2011

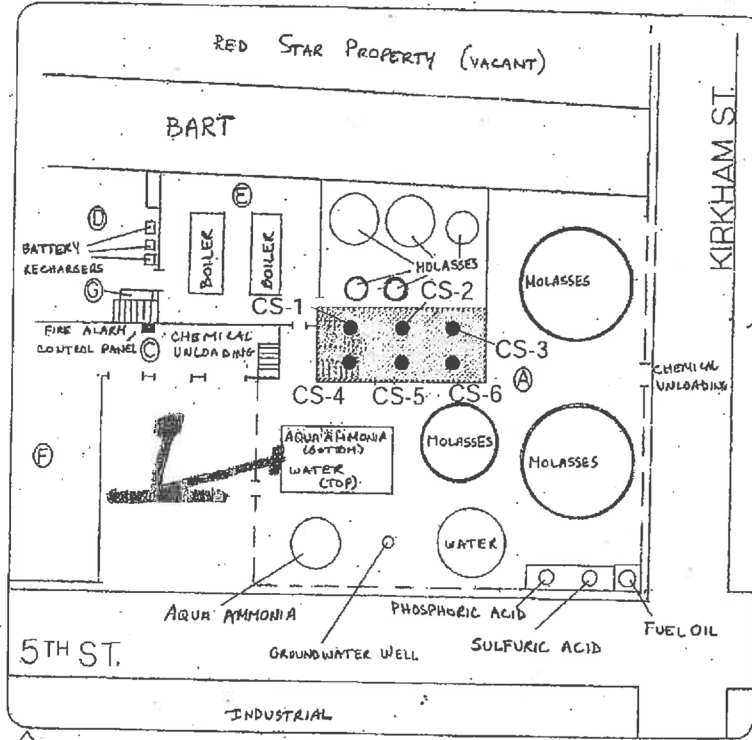
Alameda County Department of Environmental Health

HAZARDOUS MATERIALS MANAGEMENT PLAN

Facility Map - Storage Detail

Facility Name RED STAR YEAST Facility ID 3889

CONFIDENTIAL



Scale 25 feet/inch Map # 1 Map Name TANK FARM

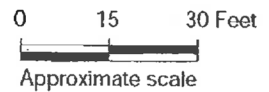
Today's Date 2/28/92

- LOC
- A- TANK FARM
 - B- MASH HOUSE
 - C- LOADING DOCK
 - D- WARE HOUSE
 - E- BOILER ROOM
 - F- COOLER
 - G- OFFICE

NOTE: -MSDS'S STORED IN OFFICES.
 *ALL INTERIOR DRAINS ARE SEWER DRAINS

EXPLANATION

- Approximate area where mercury spill reportedly occurred in 1996
 - Approximate location of soil sample collected for confirmatory mercury sample
 - CS-1 Confirmation sample collected at depths of 0-6 inches and 6-12 inches
- Reference: Alameda County Department of Environmental Health.



RED STAR YEAST SITE
 Oakland, California

PROPOSED SOIL CONFIRMATION
 SAMPLE LOCATIONS

Treadwell & Rollo

Date: 05/23/07 Project No. 4068.01 Figure 3

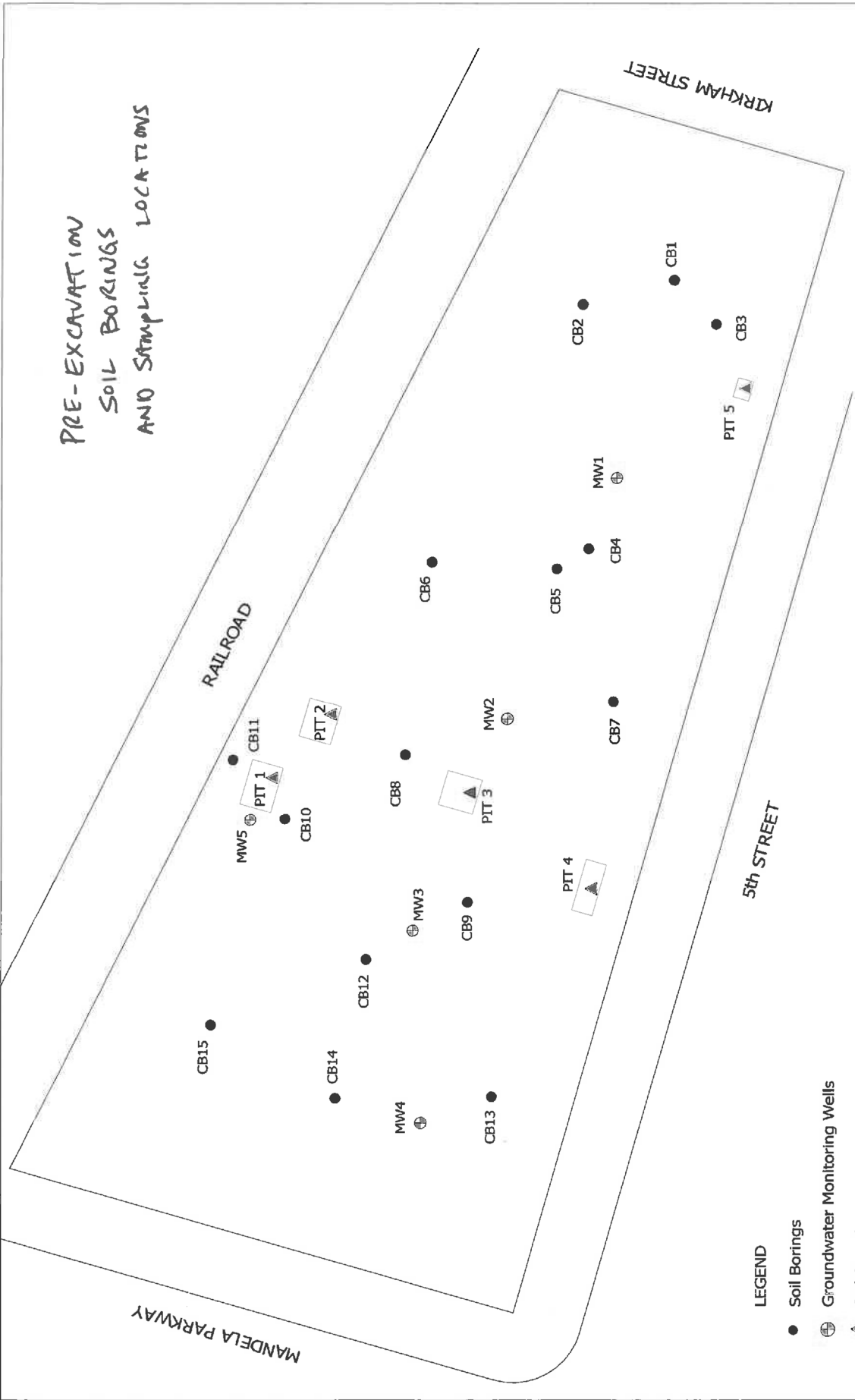
\\TNR2\vol1\Graphics\Trgraphics\4000's\4068.01\Proposed Soil Sample Location.dwg 5/23/07

Table 2
Soil Analytical Results for Total Mercury
Red Star Yeast
Oakland, CA
Project: 4068.01
PRE-EXCAVATION

Sample ID	Depth (feet)	Date Sampled	Mercury (mg/kg)
CS-1-0	0.5	5/17/2007	1.1
CS-1-6	1	5/17/2007	0.11
CS-2-0	0.5	5/17/2007	3
CS-2-6	1	5/17/2007	0.56
CS-3-0	0.5	5/17/2007	5.8
CS-3-6	1	5/17/2007	0.28
CS-4-0	0.5	5/17/2007	0.72
CS-4-6	1	5/17/2007	0.14
CS-5-0	0.5	5/17/2007	1.3
CS-5-6	1	5/17/2007	0.093
CS-6-0	0.5	5/17/2007	1.4
CS-6-6	1	5/17/2007	0.58

Notes:
 mg/kg - milligrams per kilograms

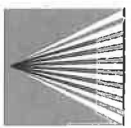
PRE-EXCAVATION
SOIL BORINGS
AND SAMPLING LOCATIONS



LEGEND

- Soil Borings
- ⊕ Groundwater Monitoring Wells
- ▲ Soil Samples

FIGURE 1
GENERAL SITE PLAN
COMMERCIAL PROPERTY
1396 5th Street
Oakland, California



SCALE	APPROXIMATE SCALE IN FEET 0 40 80	NORTH	
DRAWN BY	J. NICOLICH	3/7/11	
CHECKED BY	D. LOUKS	3/9/11	
REVISED BY			

PRE-EXCAVATION

Table 1: Summary of Soil Sampling Results (mg/Kg)
Sampled March 4 and 5, 2011

Sample ID	C5-C12 Hc	C13-C24 Hc	C25-C40 Hc
CB1-1	<0.1	<1	47
CB1-2	<0.1	<1	<5
CB1-3	<0.1	<1	44
CB1-4	<0.1	<1	52
CB2-1	<0.1	<1	<5
CB2-2	<0.1	<1	<5
CB2-3	<0.1	<1	<5
CB2-4	<0.1	<1	<5
CB3-1	<0.1	<1	<5
CB3-2	<0.1	<1	33
CB3-3	<0.1	<1	<5
CB3-4	<0.1	<1	37
CB4-1	<0.1	<1	<5
CB4-2	<0.1	<1	38
CB4-3	<0.1	<1	<5
CB4-4	<0.1	<1	<5
CB5-1	<0.1	<1	<5
CB5-2	<0.1	<1	<5
CB5-3	<0.1	<1	<5
CB5-4	<0.1	<1	<5
CB6-1	<0.1	<1	<5
CB6-2	<0.1	<1	51
CB6-3	<0.1	<1	<5
CB6-4	<0.1	<1	<5
CB7-1	<0.1	<1	<5
CB7-2	<0.1	<1	<5
CB7-3	<0.1	<1	<5
CB7-4	<0.1	<1	<5
CB8-1	<0.1	<1	<5
CB8-2	<0.1	<1	<5
CB8-3	<0.1	<1	<5
CB8-4	<0.1	<1	<5
CB8-6	<0.1	<1	<5
ESL	100	100	100

PRE-EXCAVATION

**Table 1 – continued: Summary of Soil Sampling Results (mg/Kg)
Sampled March 4 and 5, 2011**

Sample ID	C5-C12 Hc	C13-C24 Hc	C25-C40 Hc
CB9-1	<0.1	<1	>5
CB9-2	<0.1	<1	>5
CB9-3	<0.1	<1	>5
CB9-4	<0.1	82	190
CB9-6	<0.1	37	96
CB10-1	<0.1	17	58
CB10-2	<0.1	<1	>5
CB10-3	<0.1	200	470
CB10-4	<0.1	12	54
CB10-6	<0.1	<1	>5
CB11-1	<0.1	<1	57
CB11-2	<0.1	62	140
CB11-3	<0.1	<1	69
CB11-4	<0.1	<1	>5
CB11-6	<0.1	<1	>5
CB12-1	<0.1	<1	58
CB12-2	<0.1	48	290
CB12-3	<0.1	96	460
CB12-4	<0.1	160	740
CB12-6	<0.1	<1	88
CB13-1	<0.1	<1	68
CB13-2	<0.1	<1	>5
CB13-3	<0.1	<1	>5
CB13-4	<0.1	<1	>5
CB14-1	<0.1	17	>5
CB14-2	<0.1	<1	>5
CB14-3	<0.1	<1	>5
CB14-4	<0.1	<1	>5
CB15-1	<0.1	<1	>5
CB15-2	<0.1	<1	66
CB15-3	<0.1	<1	87
CB15-4	<0.1	<1	>5
ESL	100	100	100

PRE-EXCAVATION

Table 1 - continued: Summary of Soil Sampling Results (mg/Kg)
Sampled March 5 and 6, 2011

Sample ID	C5-C12 Hc	C13-C24 Hc	C25-C40 Hc
MW1-6	<0.1	<1	<5
MW2-6	<0.1	<1	<5
MW3-6	<0.1	<1	130
MW4-6	<0.1	<1	<5
MW5-6	<0.1	<1	<5
Pit 1-6	<0.1	<1	<5
Pit 2-6	<0.1	140	440
Pit 3-6	<0.1	<1	73
Pit 4-6	<0.1	<1	<5
ESL	100	100	100

Notes: VOC - volatile organic compounds analyzed by EPA Method 8260B. SVOC -semi volatile organic compounds analyzed by EPA Method 8270C. Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values for shallow soil (<10 feet and groundwater is not usable for drinking supply). Taken from Table B - Residential Use. Please refer to lab report for complete results.



PRE-EXCAVATION

Table 1A: Summary of Heavy Metal Results (mg/Kg)
Sampled March 4 and 5, 2011

Sample ID	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Nickel	Vanadium	Zinc
CB1-1	150	1.2	42	13	51	28	0.081	49	43	78
CB1-2	180	1.2	53	18	61	33	0.095	58	68	100
CB1-3	330	1.5	68	20	80	94	0.19	69	66	150
CB1-4	310	1.3	50	64	120	47	0.083	60	47	120
CB2-1	120	1.2	50	15	48	740	0.75	97	40	54
CB2-2	190	1.4	78	23	62	19	0.091	79	60	84
CB2-3	120	<1	40	11	48	<1	<0.05	50	37	57
CB2-4	180	1.3	41	9.8	56	110	0.074	50	74	120
CB3-1	320	1.4	52	16	76	49	0.052	61	62	140
CB3-2	340	3.3	42	15	58	39	0.061	96	47	87
CB3-3	160	<1	43	10	45	41	0.063	45	44	66
CB3-4	160	<1	80	11	44	8.7	0.059	76	75	65
CB4-1	170	1.9	41	14	55	11	0.077	50	44	70
CB4-2	230	<1	62	17	58	56	0.11	130	100	75
CB4-3	140	<1	48	12	52	12	0.053	45	50	67
CB4-4	160	<1	46	11	53	40	0.064	46	56	84
CB5-1	260	<1	22	15	64	23	0.066	35	60	100
CB5-2	180	1.5	38	12	54	3.6	<0.05	46	42	57
CB5-3	120	<1	50	10	45	<1	<0.05	40	44	30
CB5-4	120	<1	37	9.7	45	<1	<0.05	37	43	44
CB6-1	300	1.5	30	20	77	56	0.078	44	74	120
CB6-2	170	1.5	41	15	65	13	0.058	63	42	75
CB6-3	160	<1	43	10	44	<1	<0.05	36	47	38
CB6-4	140	<1	52	10	47	<1	<0.05	48	47	32
CB7-1	140	1.4	41	16	65	<1	0.064	69	33	59
CB7-2	180	1.6	37	13	60	2.4	0.089	54	39	60
CB7-3	89	<1	47	10	41	<1	<0.05	36	47	20
CB7-4	190	<1	54	16	62	<1	<0.05	62	50	59
CB8-1	170	1.7	54	16	66	35	0.12	63	53	91
CB8-2	550	1.4	20	8.4	87	98	0.36	32	44	82
CB8-3	460	<1	25	11	81	830	0.87	32	41	380
CB8-4	810	<1	16	7.4	96	170	0.34	20	45	110
CB8-6	400	1.7	43	7.6	120	530	0.62	33	51	150
ESL	750	12	1,000	23	230	80	6.7	150	200	600

PRE-EXCAVATION

**Table 1A – continued: Summary of Heavy Metal Results (mg/Kg)
Sampled March 4 and 5, 2011**

Sample ID	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Nickel	Vanadium	Zinc
CB9-1	180	1.6	41	15	70	46	0.093	55	45	98
CB9-2	290	1.4	66	18	120	180	0.29	110	120	160
CB9-3	320	1.5	51	20	300	590	1.1	180	240	270
CB9-4	1,100	1.4	20	15	96	160	0.49	32	110	68
CB9-6	430	ND	42	10	63	2,400	0.80	31	72	98
CB10-1	360	<1	35	17	73	25	0.064	48	84	100
CB10-2	290	<1	31	16	90	110	0.084	43	69	160
CB10-3	860	1.8	27	15	98	95	0.24	40	110	83
CB10-4	350	<1	50	18	55	20	0.21	44	77	26
CB10-6	120	<1	36	8.0	42	12	0.074	25	39	38
CB11-1	320	2.0	47	16	140	300	1.3	57	68	300
CB11-2	500	2.6	51	13	360	710	2.8	59	74	530
CB11-3	180	<1	46	8.8	51	120	0.75	31	48	82
CB11-4	100	<1	42	8.0	39	110	0.37	29	42	27
CB11-6	200	<1	46	8.4	81	150	0.52	33	47	76
CB12-1	280	1.5	28	17	75	54	0.074	39	70	140
CB12-2	200	<1	49	10	120	120	0.44	41	50	110
CB12-3	170	<1	42	11	81	96	0.17	54	59	99
CB12-4	520	<1	33	12	110	180	0.29	54	67	210
CB12-6	890	1.4	81	12	79	25	0.097	17	98	31
CB13-1	220	<1	57	14	77	34	0.083	55	51	99
CB13-2	190	<1	41	13	67	42	0.066	51	48	96
CB13-3	220	<1	31	15	68	40	0.079	42	57	99
CB13-4	110	<1	48	7.3	43	53	0.057	28	43	120
CB14-1	200	1.7	49	11	69	340	0.39	40	50	140
CB14-2	280	<1	49	12	75	190	0.16	40	53	120
CB14-3	300	<1	24	9.2	83	270	0.23	26	72	86
CB14-4	100	<1	34	7.1	44	84	0.073	25	39	37
CB15-1	220	<1	40	12	86	830	1.7	47	55	230
CB15-2	170	<1	49	14	87	140	0.12	49	58	170
CB15-3	130	<1	44	11	140	28	0.089	38	81	62
CB15-4	600	<1	39	9.7	60	61	0.082	35	59	100
ESL	750	12	1,000	23	230	200	6.7	150	200	600

PRE-EXCAVATION

**Table 1A - continued: Summary of Heavy Metal Results (mg/Kg)
Sampled March 5 and 6, 2011**

Sample ID	Barium	Cadmium	Chromium	Cobalt	Copper	Lead	Mercury	Nickel	Vanadium	Zinc
MW1-6	84	<1	55	11	40	<1	0.053	51	52	34
MW2-6	90	<1	39	8.5	41	<1	<0.05	30	39	24
MW3-6	120	<1	36	7.0	41	53	0.066	25	36	41
MW4-6	140	<1	22	7.7	52	260	0.25	24	34	78
MW5-6	25	<1	<1	<1	13	<1	<0.05	<1	<1	12
Pit 1-6	77	<1	40	6.6	37	<1	0.069	24	39	21
Pit 2-6	710	<1	18	18	100	130	0.13	34	110	44
Pit 3-6	280	<1	36	9.9	130	300	0.22	37	47	160
Pit 4-6	190	<1	54	7.3	53	650	0.38	28	44	130
ESL	750	12	1,000	23	230	80	6.7	150	200	600

Notes: Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values for shallow soil (<10 feet and groundwater is not usable for drinking supply). Taken from Table B - Residential Use. Please refer to lab report for complete results.

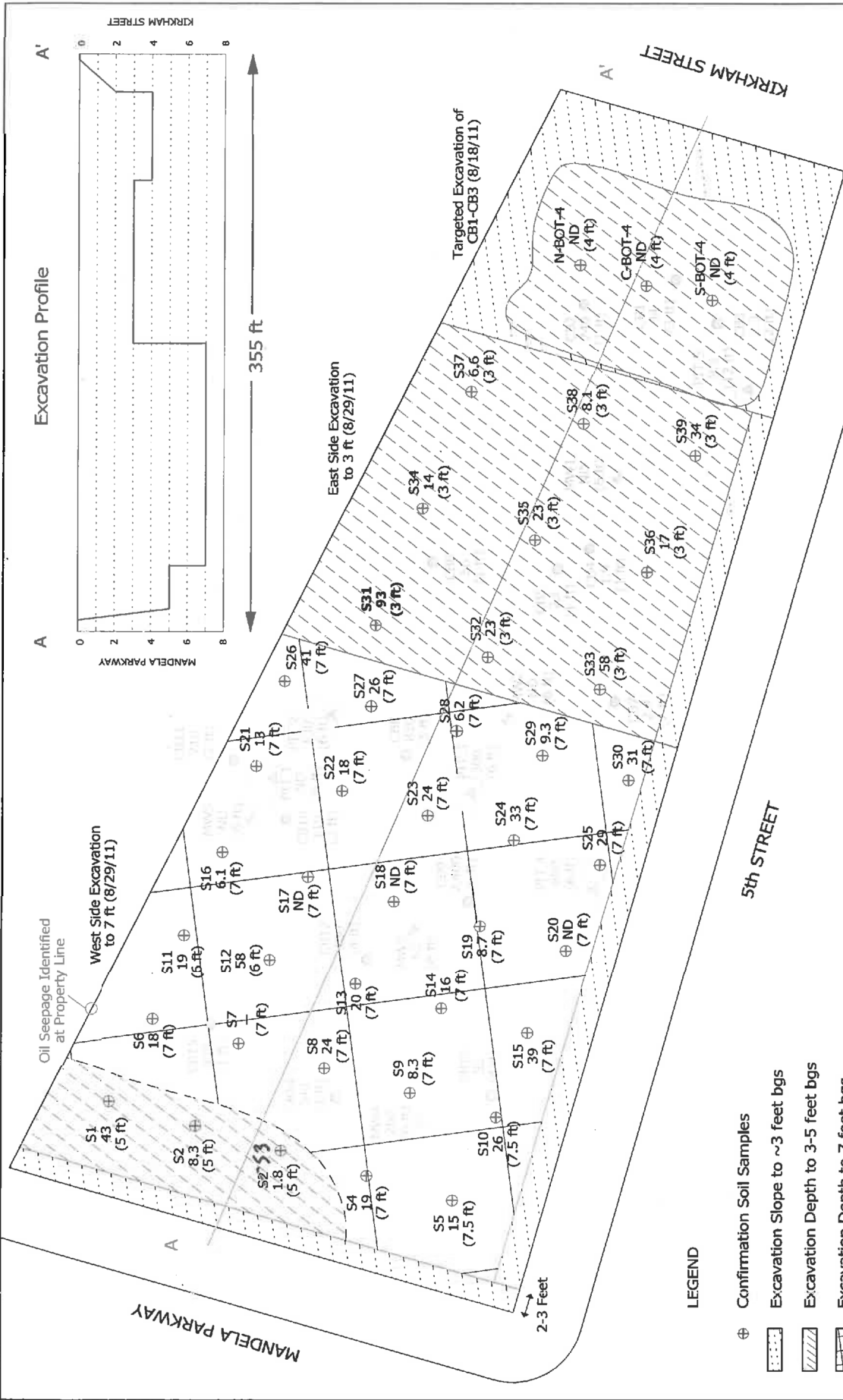


FIGURE 5
EXCAVATION DETAIL
FORMER RED STAR YEAST COMPANY
1396 5th Street
Oakland, California

Maximum Lead Concentrations Shown
 in mg/Kg (Depth of Sample).
 Pre-Excavation Levels Shown in Grayscale.

- LEGEND**
- ⊕ Confirmation Soil Samples
 - [Dotted Box] Excavation Slope to ~3 feet bgs
 - [Hatched Box] Excavation Depth to 3-5 feet bgs
 - [Horizontal Line Box] Excavation Depth to 7 feet bgs

GRAYED OUT SAMPLES OVEREXCAVATED



Table 2: Summary of Final Confirmation Soil Sampling Results (mg/Kg)

Sample ID	Cadmium	Lead	Mercury	C5-C12 Hc	C13-C24 Hc	C25-C40 Hc
West Side Confirmation Samples - Sampled August 29, 2011						
S1-5	<1	43	<0.05	<0.1	<1	39
S2-5	<1	8.3	<0.05	<0.1	<1	18
S3-5	<1	1.8	<0.05	<0.1	<1	<5
S4-7	<1	19	<0.05	<0.1	<1	<5
S5-7.5	<1	15	<0.05	<0.1	<1	<5
S6-7	<1	18	<0.05	<0.1	<1	<5
S8-7	<1	24	<0.05	<0.1	<1	<5
S9-7	<1	8.3	<0.05	<0.1	<1	<5
S10-7.5	<1	26	<0.05	<0.1	<1	<5
S11-6	<1	19	<0.05	<0.1	<1	<5
S12-6	<1	58	<0.05	<0.1	<1	<5
S13-7	<1	20	<0.05	<0.1	<1	<5
S14-7	<1	16	<0.05	<0.1	<1	<5
S15-7	<1	39	<0.05	<0.1	<1	22
S16-7	<1	6.1	<0.05	<0.1	<1	<5
S17-7	<1	<1	<0.05	<0.1	<1	<5
S18-7	<1	<1	<0.05	<0.1	<1	<5
S19-7	<1	8.7	<0.05	<0.1	<1	<5
S20-7	<1	ND	<0.05	<0.1	<1	<5
S21-7	<1	13	<0.05	<0.1	<1	<5
S22-7	<1	18	<0.05	<0.1	<1	<5
S23-7	<1	24	<0.05	<0.1	<1	<5
S24-7	<1	33	<0.05	<0.1	<1	<5
S25-7	<1	29	<0.05	<0.1	<1	<5
S26-7	<1	41	<0.05	<0.1	<1	<5
S27-7	<1	26	<0.05	<0.1	<1	<5
S28-7	<1	6.2	<0.05	<0.1	<1	<5
S29-7	<1	9.3	<0.05	<0.1	<1	<5
S30-7	<1	31	<0.05	<0.1	<1	<5
Cleanup Goal	1.7	80	18	100	100	370

Notes – No final sample collected from node S7, excavated to 7 feet below grade. Cleanup goals for heavy metals are Soil Screening Levels (SSLs) developed by OEHHA as health risk based guideline values based on total exposure to contaminated soil including inhalation, ingestion and dermal absorption in both residential and Industrial settings. The cleanup goals for hydrocarbons are the Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values for shallow soil (<10 feet and groundwater is not usable for drinking supply). Taken from Table B1 - Residential Use. Please refer to lab report for complete results.

Table 2-Contd.: Summary of Final Confirmation Soil Sampling Results (mg/Kg)

Sample ID	Cadmium	Lead	Mercury	C5-C12 Hc.	C13-C24 Hc	C25-C40 Hc
East Side Confirmation Samples - Sampled August 29, 2011						
S31-3	<1	93	<0.05	<0.1	<1	<5
S32-3	<1	23	<0.05	<0.1	<1	<5
S33-3	<1	58	<0.05	<0.1	<1	<5
S34-3	<1	14	<0.05	<0.1	<1	<5
S35-3	<1	23	<0.05	<0.1	<1	<5
S36-3	<1	17	<0.05	<0.1	<1	<5
S37-3	<1	6.6	<0.05	<0.1	<1	<5
S38-3	<1	8.1	<0.05	<0.1	<1	<5
S39-3	<1	34	<0.05	<0.1	<1	<5
N-BOT-4	<1	<1	---	<0.1	<1	<5
C-BOT-4	<1	<1	---	<0.1	<1	<5
S-BOT-4	<1	<1	---	<0.1	<1	<5
Cleanup Goal	1.7	80	18	100	100	370

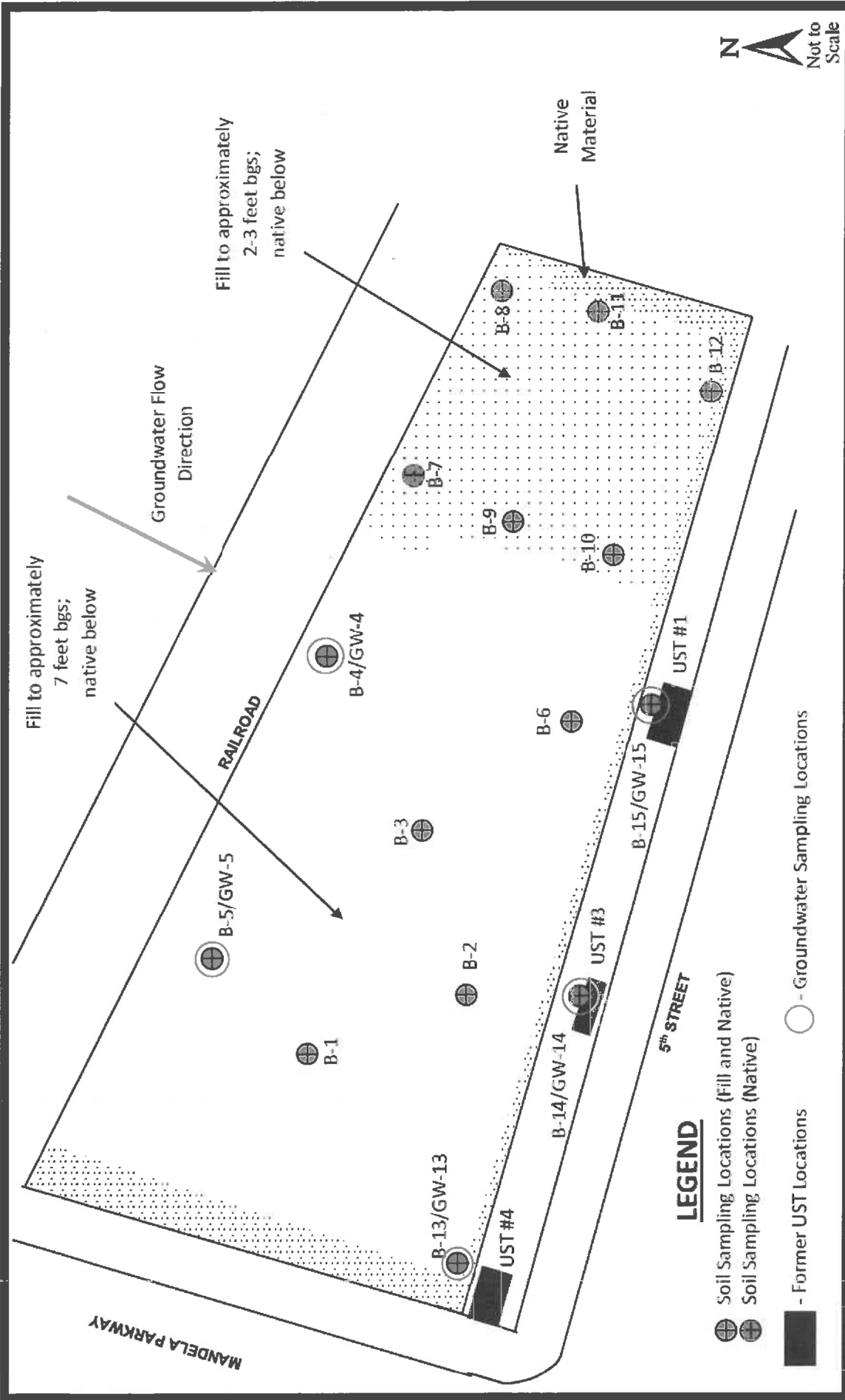
Notes – Cleanup goals for heavy metals are Soil Screening Levels (SSLs) developed by OEHHA as health risk based guideline values based on total exposure to contaminated soil including inhalation, ingestion and dermal absorption in both residential and Industrial settings. The cleanup goals for hydrocarbons are the Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values for shallow soil (<10 feet and groundwater is not usable for drinking supply). Taken from Table B1 - Residential Use. Please refer to lab report for complete results.

Table 1A: Summary of Other Heavy Metal Results (mg/Kg)

Sample ID	Barium	Chromium	Cobalt	Copper	Nickel	Vanadium	Zinc
West Side Confirmation Samples, Excavation of CB9 - Sampled August 17, 2011							
E-SW-6	170	44	3.7	29	16	46	71
W-SW-6	150	38	2.3	29	12	41	57
N-SW-6	280	40	2.7	41	13	48	120
S-SW-6	140	38	2.5	26	19	51	42
BOT-6	45	37	7.1	22	25	55	32
West Side Confirmation Samples - Sampled August 18, 2011							
S1-5	140	38	1.7	27	12	28	41
S2-5	92	39	1.9	21	11	35	33
S3-5	71	46	5.8	22	19	43	34
* S4-5	340	42	6.7	58	28	61	180
* S5-5	120	45	2.7	25	5.9	43	37
* S6-5	250	32	3.6	59	24	38	160
* S7-5	150	26	3.6	34	22	35	67
* S8-5	150	27	1.6	37	18	32	76
* S9-5	220	86	8.9	41	71	49	70
* S10-5	190	41	4.4	43	34	47	120
Cleanup Goal	5,200	100,000	660	3,000	1,600	530	23,000

Notes – Cleanup goals for heavy metals are Soil Screening Levels (SSLs) developed by OEHHA as health risk based guideline values based on total exposure to contaminated soil including inhalation, ingestion and dermal absorption in both residential and Industrial settings. The cleanup goals for hydrocarbons are the Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values for shallow soil (<10 feet and groundwater is not usable for drinking supply). Taken from Table B1 - Residential Use. Please refer to lab report for complete results.

* OVEREXCAVATED



PROJECT NO: 0849.1001.0
 DATE: JULY 2016

Figure 2

former Red Star Yeast Company
 1396 5th Street
 Oakland, California



Site Plan with Sampling Locations
 2016 DATA GAP INVESTIGATION

**2016 SOIL BORINGS TO ADDRESS DATA GAPS
IN SOIL EXCAVATION BACKFILL MATERIAL AND
PETROLEUM HYDROCARBONS IN SOIL**

Table 1. Petroleum Hydrocarbons, Oxygenates and Volatile Organic Compounds (VOCs) in Soil
Former Red Star Senior Living Apartments Development
Michels Development
1396 Fifth Street, Oakland, California

Boring ID	Sample Depth (feet)	Date Sampled	TPHg mg/kg	TPHd mg/kg	TPHo mg/kg	Benzene mg/kg	Toluene mg/kg	Ethylbenzene mg/kg	Total xylenes mg/kg	MTBE mg/kg	ETBE mg/kg	DIPE mg/kg	TAME mg/kg	TBA mg/kg	Isopropylbenzene mg/kg	N-Propylbenzene mg/kg	Styrene mg/kg	1,2,4-Trimethylbenzene mg/kg	1,3,5-Trimethylbenzene mg/kg	Comments
B-5	1	6/30/2016	ND<0.070	16	120	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-5	3	6/30/2016	ND<0.070	5.7	38	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-5	5	6/30/2016	ND<0.069	8.2	39	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Backfill
B-5	7	6/30/2016	ND<0.069	7.5	39	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Backfill
B-7	1	6/30/2016	ND<0.069	9.9	54	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Native Soil
B-7	3	6/30/2016	ND<0.070	15	29	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-7	5	6/30/2016	ND<0.069	ND<5.2	24	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-8	1	6/30/2016	ND<0.070	18	83	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-8	3	6/30/2016	ND<0.069	28	310	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Backfill
B-10	1	6/30/2016	ND<0.070	13	61	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Backfill
B-10	3	6/30/2016	ND<0.070	ND<5.3	ND<5.3	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-10	5	6/30/2016	ND<0.068	ND<5.2	ND<5.2	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Native Soil
B-11	1	6/30/2016	ND<0.069	11	47	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-11	3	6/30/2016	ND<0.070	6.5	31	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-11	5	6/30/2016	0.100	ND<2.5	7.1	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Backfill
B-11	7	6/30/2016	ND<0.070	ND<2.5	ND<2.5	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-12	1	6/30/2016	ND<0.070	5.7	46	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-12	3	6/30/2016	ND<0.070	ND<5.2	ND<5.2	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Backfill
B-12	5	6/30/2016	0.070 J	ND<5.2	ND<5.2	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-12	7	6/30/2016	ND<0.070	ND<5.0	ND<5.0	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-12	9	6/30/2016	ND<0.070	6.3 J	12	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Native Soil
B-13	10	6/30/2016	ND<0.070	28	130	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-14	10	6/30/2016	ND<0.070	ND<5.3	ND<5.3	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-14	15	6/30/2016	ND<0.070	ND<5.0	9.2 J	ND<0.001	ND<0.001	ND<0.001	ND<0.002	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	Native Soil
B-15	10	6/30/2016	ND<0.069	ND<5.3	ND<5.3	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Native Soil
B-15	15	6/30/2016	ND<0.069	ND<5.0	ND<5.0	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.002	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	ND<0.00099	Native Soil
SFRWQCB Tier 1 ESL			100	230	5,100	0.044	2.9	1.4	2.3	0.023				0.075						Native Soil

mg/kg = Milligrams per Kilogram
 ND = Not detected
 TPHg = Total petroleum hydrocarbons as gasoline analyzed by EPA Method 8260B
 TPHd = Total petroleum hydrocarbons as diesel by EPA Method 8015B
 TPHo = Total petroleum hydrocarbons as oil by EPA Method 8015B
 Volatile Organic Compounds (VOCs) analyzed by EPA Method 8260B
 MTBE = Methyl tertiary-butyl ether analyzed by EPA Method 8260B
 DIPE = Diisopropyl ether analyzed by EPA Method 8260B
 TAME = Tertiary-amyyl methyl ether analyzed by EPA Method 8260B
 TBA = Tertiary-butyl alcohol analyzed by EPA Method 8260B
 J = denotes value between method detection limit and detection limit for reporting purposes
 Detected concentrations are shown in bold type
 Isopropylbenzene, N-Propylbenzene, Styrene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene were detected in groundwater samples from these borings, but were Non-Detect in all soil samples
 All other VOCs were Non-Detect
 SFRWQCB Tier 1 ESL = San Francisco Regional Water Quality Control Board Tier 1 Environmental Screening Level
 -- = No ESL Established
 -- = Not Analyzed

**2016 SOIL BORINGS TO ADDRESS DATA GAPS
IN SOIL EXCAVATION BACKFILL MATERIAL & NATIVE SOIL**

**Table 2. Polycyclic Aromatic Hydrocarbons (PAHs) in Soil
Former Red Star Senior Living Apartments Development
1396 Fifth Street, Oakland, California**

Sample Depth (feet)	Date Sampled	Acenaph- thene	Anthracene	Benzo[a]- anthracene	Benzo[a]- pyrene	Benzo[b]- fluoran- threne	Benzo- [k]- fluoran- threne	Chrysene	Dibenz[a,h]- anthracene	Fluoran- thene	Fluorene	Indeno- [1,2,3-cd]- pyrene	Naphtha- lene	Phenan- threne	Pyrene	Comments
B-1	6/30/2016	ND<0.004	ND<0.004	ND<0.004	ND<0.004	0.015 J	0.015 J	0.020 J	ND<0.004	0.30	ND<0.004	0.0054 J	ND<0.004	0.34	0.31	Backfill
B-1	6/30/2016	ND<0.0039	0.0058 J	0.015 J	0.016 J	0.019 J	0.0067 J	0.023 J	ND<0.0039	0.46	ND<0.0039	0.0064 J	0.0073 J	0.47	0.42	Backfill
B-1	6/30/2016	ND<0.0039	0.0053 J	0.017 J	0.016 J	0.024 J	0.0089 J	0.023 J	ND<0.0039	0.39	ND<0.0039	0.0088 J	0.0043 J	0.39	0.41	Backfill
B-2	6/30/2016	ND<0.004	0.0071 J	0.027 J	0.027 J	0.037	0.014 J	0.037	ND<0.004	0.61	ND<0.004	0.013 J	0.0017 J	0.48	0.57	Backfill
B-2	6/30/2016	ND<0.0072	ND<0.0072	0.014 J	0.013 J	0.018 J	0.0072 J	0.021 J	ND<0.0072	0.32 J	ND<0.0072	0.012 J	ND<0.0072	0.34 J	0.30 J	Backfill
B-2	6/30/2016	ND<0.0033	0.011 J	0.038 J	0.035 J	0.050 J	0.016 J	0.055 J	ND<0.0033	0.75	ND<0.0033	0.013 J	ND<0.0033	0.89	0.72	Backfill
B-3	6/30/2016	ND<0.0039	0.0051 J	0.018 J	0.023 J	0.023 J	0.0087 J	0.027 J	ND<0.0039	0.40	ND<0.0039	0.0079 J	0.0063 J	0.43	0.40	Backfill
B-3	6/30/2016	ND<0.0075	ND<0.0075	0.012 J	0.017 J	0.017 J	0.0091 J	0.018 J	ND<0.0075	0.29 J	ND<0.0075	0.0092 J	ND<0.0075	0.29 J	0.28 J	Backfill
B-4	6/30/2016	ND<0.0047	0.012 J	0.035	0.028 J	0.035	0.015 J	0.048	ND<0.0039	0.83	ND<0.0039	0.013 J	ND<0.0039	0.76	0.80	Backfill
B-4	6/30/2016	ND<0.0084	ND<0.0084	0.045 J	0.026 J	0.025 J	0.0094 J	0.020 J	ND<0.0084	0.35 J	ND<0.0084	0.019 J	ND<0.0084	0.26 J	0.43 J	Native Soil
B-5	6/30/2016	ND<0.0039	0.0087 J	0.014 J	0.014 J	0.018 J	0.011 J	0.023 J	ND<0.0039	0.34	ND<0.0039	0.0083 J	ND<0.0039	0.27 J	0.37	Backfill
B-5	6/30/2016	0.0053 J	0.018 J	0.170	0.150	0.200	0.086	0.160	0.017 J	0.200	ND<0.0040	0.081	ND<0.0040	0.29 J	0.180	Backfill
B-5	6/30/2016	0.0053 J	0.0046 J	0.012 J	0.011 J	0.014 J	0.0089 J	0.018 J	ND<0.0040	0.31	ND<0.0040	0.0065 J	0.0057 J	0.38	0.29 J	Backfill
B-6	6/30/2016	ND<0.004	0.0064 J	0.022 J	0.030	0.039	0.021 J	0.034	0.0068 J	0.85	ND<0.0040	0.018 J	0.0094 J	0.45	0.57	Backfill
B-6	6/30/2016	ND<0.0085	ND<0.0085	0.024 J	0.032 J	0.042 J	0.010 J	0.036 J	ND<0.0085	0.60 J	ND<0.0085	0.015 J	0.011 J	0.45 J	0.64	Backfill
B-9	6/30/2016	0.018 J	0.020 J	0.035 J	0.032 J	0.046 J	ND<0.0085	0.048 J	ND<0.0085	0.92	0.012 J	0.0091 J	0.015 J	0.40	0.84	Backfill
B-9	6/30/2016	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	ND<0.0082	Native Soil
B-10	6/30/2016	0.0088 J	0.018 J	0.037	0.032	0.043	0.013 J	0.051	ND<0.0039	0.89	ND<0.0039	0.011 J	0.0081 J	0.120	0.82	Backfill
SFRWQCB Tier 1 ESL		16	2.8	0.16	0.16	0.16	2.5	3.8	0.016	60	8.9	0.16	0.033	11	8.5	

Notes:
 Polycyclic Aromatic Hydrocarbons (PAHs) analyzed by EPA Method 8270C SIM
 mg/kg = Milligrams per Kilogram
 ND = Not detected
 J = denotes value between method detection limit and detection limit for reporting purposes
 Detected concentrations are shown in bold type
 SFRWQCB Tier 1 ESL = San Francisco Regional Water Quality Control Board Tier 1 Environmental Screening Level
 -- = Not Analyzed

2016 SOIL BORINGS TO ADDRESS DATA GAPS
IN SOIL EXCAVATION BACKFILL MATERIAL

Table 3. Polychlorinated Biphenyls (PCBs) in Soil
Former Red Star Senior Living Apartments Development
Michaels Development
1396 Fifth Street, Oakland, California

Boring ID	Sample Depth (feet)	Date Sampled	Aroclor 1016 (mg/kg)	Aroclor 1221 (mg/kg)	Aroclor 1232 (mg/kg)	Aroclor 1242 (mg/kg)	Aroclor 1248 (mg/kg)	Aroclor 1254 (mg/kg)	Aroclor 1260 (mg/kg)	Comments
B-1	1	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-1	3	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-1	5	6/30/2016	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	Backfill
B-2	1	6/30/2016	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	Backfill
B-2	3	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-2	5	6/30/2016	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	ND<0.035	Backfill
B-3	1	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-3	3	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-4	1	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-4	3	6/30/2016	ND<0.084	ND<0.084	ND<0.084	ND<0.084	ND<0.084	ND<0.084	ND<0.084	Native Soil
B-5	1	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-5	3	6/30/2016	ND<0.034	ND<0.034	ND<0.034	ND<0.034	ND<0.034	ND<0.034	ND<0.034	Backfill
B-5	5	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-6	1	6/30/2016	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	Backfill
B-6	3	6/30/2016	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	ND<0.036	Backfill
B-9	1	6/30/2016	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	Backfill
B-9	3	6/30/2016	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	Native Soil
B-10	1	6/30/2016	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	Backfill
SFRWQCB Tier 1 ESL			0.25	0.25	0.25	0.25	0.25	0.25	0.25	

Notes: Polychlorinated Biphenyls (PCBs) analysed by EPA Method 8082

mg/kg = Milligrams per Kilogram

ND = Not detected

SFRWQCB Tier 1 ESL = San Francisco Regional Water Quality Control Board Tier 1 Environmental Screening Level

2016 SOIL BORINGS TO ADDRESS DATA GAPS IN
SOIL EXCAVATION BACKFILL MATERIAL AND
UNEXCAVATED SOIL

Table 4. Metals in Soil
Former Red Star Senior Living Apartments Development
Michaels Development
1396 Park Street, Oakland, California

Boring ID	Sample Depth (feet)	Date Sampled	Lead mg/kg	Mercury mg/kg	Antimony mg/kg	Arsenic mg/kg	Barium mg/kg	Beryllium mg/kg	Cadmium mg/kg	Chromium mg/kg	Cobalt mg/kg	Copper mg/kg	Molybdenum mg/kg	Nickel mg/kg	Selenium mg/kg	Silver mg/kg	Thallium mg/kg	Vanadium mg/kg	Zinc mg/kg	Comments
B1	1	6/30/2016	17	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B1	3	6/30/2016	9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B1	5	6/30/2016	8.5	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B2	1	6/30/2016	11	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B2	3	6/30/2016	9.7	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B2	5	6/30/2016	18	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B3	1	6/30/2016	31	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B3	3	6/30/2016	11	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B3	5	6/30/2016	8.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B4	1	6/30/2016	19	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Native Soil
B4	3	6/30/2016	13	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B4	5	6/30/2016	11	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B5	1	6/30/2016	14	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B5	3	6/30/2016	14	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B5	5	6/30/2016	14	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B6	1	6/30/2016	10	0.299	ND<0.27	3.7	110	0.211	ND<0.25	37	5.8	15	ND<0.5	34	0.571	ND<0.10	ND<0.25	40	38	Backfill
B6	3	6/30/2016	6.3	0.821	ND<0.27	2.3	73	ND<0.15	ND<0.25	46	5.1	8.9	0.971	35	0.311	ND<0.10	ND<0.25	30	25	Native Soil
B6	5	6/30/2016	9.1	0.886	ND<0.27	3.0	200	0.32	ND<0.25	34	6.2	22	1.1	33	0.491	ND<0.099	ND<0.25	44	33	Native Soil
B7	1	6/30/2016	16	0.158	ND<0.27	4.0	190	0.35	0.261	45	6.5	23	1.2	42	0.721	ND<0.099	ND<0.25	58	49	Backfill
B7	3	6/30/2016	16	0.129	0.421	4.6	189	0.34	ND<0.25	41	7.3	26	1.4	39	0.651	ND<0.10	ND<0.25	56	58	Backfill
B7	5	6/30/2016	4.3	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Backfill
B8	1	6/30/2016	3.9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	Native Soil
B8	3	6/30/2016	18	0.120	0.381	5.7	209	0.5	0.351	54	8.4	36	1.8	55	0.811	ND<0.099	ND<0.25	81	120	Backfill
B8	5	6/30/2016	5.4	0.896	ND<0.27	3.2	85	0.31	ND<0.25	58	7.1	12	ND<0.5	45	0.621	ND<0.10	ND<0.25	43	32	Native Soil
B9	1	6/30/2016	3.0	0.824	ND<0.27	2.9	55	0.151	ND<0.25	65	4.9	8.1	ND<0.5	34	0.371	ND<0.099	ND<0.25	33	22	Native Soil
B9	3	6/30/2016	13	0.120	ND<0.27	4.5	189	0.211	ND<0.25	39	6.1	20	0.981	42	0.581	ND<0.099	ND<0.25	52	48	Backfill
B9	5	6/30/2016	11	0.110	ND<0.26	3.7	199	0.29	ND<0.25	37	5.8	21	1.1	39	0.561	ND<0.099	ND<0.25	48	43	Backfill
B10	1	6/30/2016	2.1	0.823	ND<0.26	2.6	68	0.231	ND<0.25	45	5.0	7.8	ND<0.49	33	0.381	ND<0.099	ND<0.25	39	22	Native Soil
B10	3	6/30/2016	2.5	0.857	ND<0.27	2.0	54	0.201	ND<0.25	35	4.5	6.9	0.611	27	0.261	ND<0.10	ND<0.25	28	22	Native Soil
B10	5	6/30/2016	18	0.110	ND<0.27	3.6	160	0.261	ND<0.25	44	8.9	27	0.661	42	0.481	ND<0.10	ND<0.25	46	54	Backfill
B11	1	6/30/2016	3.1	0.828	ND<0.27	2.0	58	0.3	ND<0.25	31	5.4	7.6	ND<0.5	31	0.291	ND<0.099	ND<0.25	27	21	Native Soil
B11	3	6/30/2016	3.0	0.120	ND<0.27	2.5	65	0.231	ND<0.25	37	5.4	7.9	ND<0.49	32	0.461	ND<0.099	ND<0.25	29	23	Native Soil
B11	5	6/30/2016	2.6	0.897	ND<0.27	2.2	66	0.211	ND<0.25	53	6	7.8	ND<0.5	38	0.421	ND<0.099	ND<0.25	40	28	Native Soil
S1 RWQC B Tier 1 ESL			80	13	31	0.067	2,000	42	39	--	23	3,100	390	86	390	390	0.78	391	23,000	

All metals except mercury analyzed by EPA Method 6030
Mercury analyzed by EPA Method 7471A

mg/kg = Milligrams per Kilogram

ND = Not detected

J = denotes value between method detection limit and detection limit for reporting purposes

SFRWQC B Tier 1 ESL = San Francisco Regional Water Quality Control Board Tier 1 Environmental Screening Level

-- = No ESL Established

J = Not Analyzed

J = denotes value between method detection limit and detection limit for reporting purposes

Detected concentrations are shown in bold type

Benzo(a)pyrene Conversion Table

For Direct Exposure Soil Cleanup Target Levels

Facility/Site Name: Red Star Yeast/1396 fifth Street LLC
 Location: 1396 5th Street, Oakland, CA 94607
 Facility/Site ID No.: RO0002896

Soil Sample No. B-1 through B-10
 Sample Date 6/30/2016
 Location: _____
 Depth (ft): 1, 3 or 5 feet

INSTRUCTIONS: Calculate Total Benzo(a)pyrene Equivalents if at least one of the carcinogenic PAHs is detected in the sample at a concentration equal to or higher than the Method Detection Limit (MDL), whether quantified with certainty (the concentration reported has no qualifier) or estimated (the concentration reported has a "J", "T" or "I" qualifier). Enter the contaminant concentrations (in mg/kg) for all seven carcinogenic PAHs in the yellow boxes using the following criteria (and see table below):

1. If quantified with certainty, or estimated and has the "J" qualifier, enter the reported value;
2. If not detected at the MDL (the concentration reported is the MDL followed by the "U" qualifier) enter 1/2 of the reported value;
3. If detected at a concentration lower than the MDL and the concentration is estimated (has the "T" qualifier) enter the estimated value;
4. If detected at a concentration equal to or higher than the MDL but lower than the Practical Quantitation Limit (PQL) and the concentration is estimated (has the "I" qualifier) enter the estimated value;
5. If detected at a concentration equal to or higher than the MDL but lower than the PQL and it is not estimated (the concentration reported is the PQL followed by the "M" qualifier) enter 1/2 of the reported value.

Contaminant	Concentration (mg/kg)	Toxic Equivalency Factor	Benzo(a)pyrene Equivalents
Benzo(a)pyrene	0.150	1.0	0.1500
Benzo(a)anthracene	0.170	0.1	0.0170
Benzo(b)fluoranthene	0.200	0.1	0.0200
Benzo(k)fluoranthene	0.078	0.10	0.0078
Chrysene	0.160	0.010	0.0016
Dibenz(a,h)anthracene	0.017	0.34	0.0058
Indeno(1,2,3-cd)pyrene	0.081	0.1	0.0081

DE Residential = 0.1 mg/kg; DE Industrial = 0.7 mg/kg

Total Benzo(a)pyrene Equivalents = **0.21**

The concentration shown EXCEEDS the Residential Direct Exposure SCTL of 0.1 mg/kg.

The concentration shown does not exceed the Industrial Direct Exposure SCTL of 0.7 mg/kg.

Summary Criteria for Table Entries			
Detection	Concentration Reported	Data Qualifier	Enter
Various	Quantified with certainty	None	reported value
Various	Estimated	J	reported (estimated) value
ND at MDL	MDL	U	1/2 reported value
< MDL	Estimated	T	reported (estimated) value
≥ MDL but < PQL	Estimated	I	reported (estimated) value
≥ MDL but < PQL	PQL	M	1/2 reported value

ATTACHMENT 3

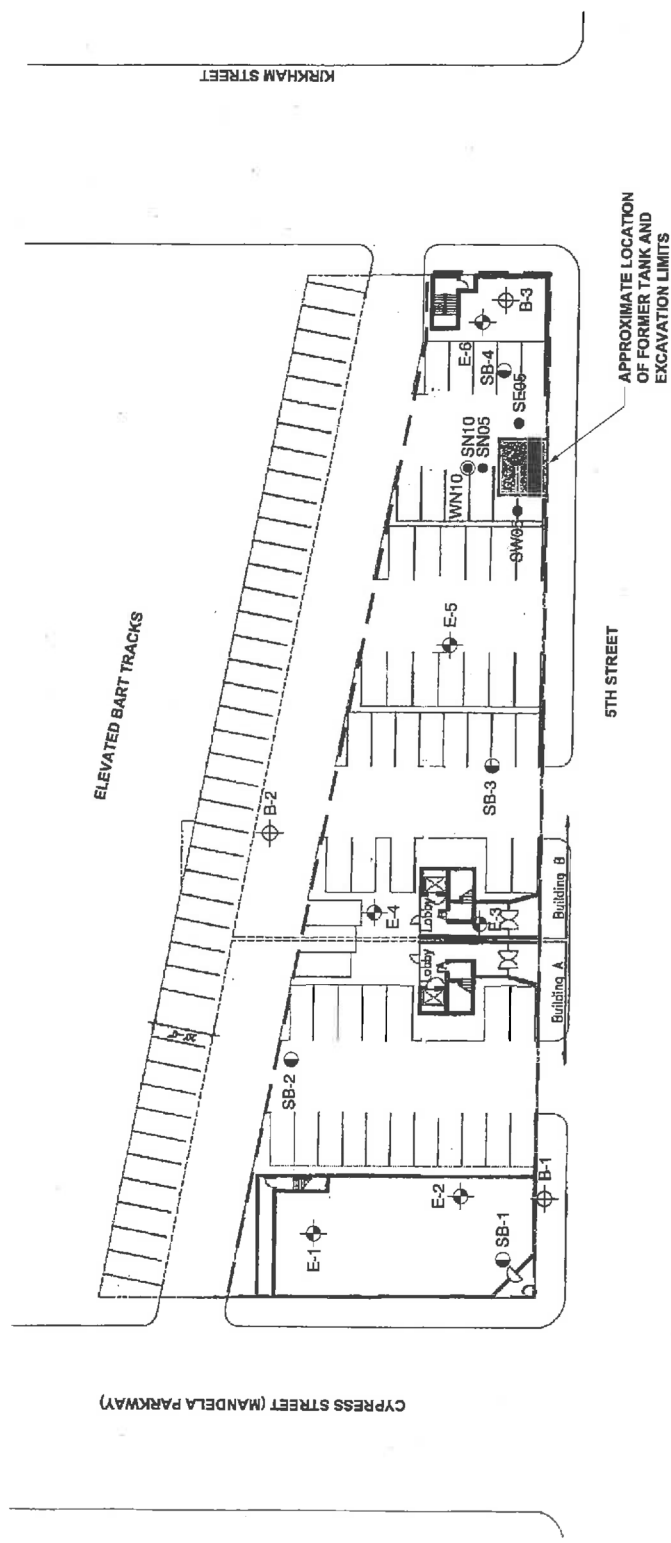
Attachment 3 – Groundwater Evaluation and Data

LTCP GROUNDWATER SPECIFIC CRITERIA - PETROLEUM						
Closure Scenario						
___ Site has not affected groundwater; ___ Scenario 1; ___ Scenario 2; ___ Scenario 3; ___ Scenario 4; <input checked="" type="checkbox"/> Scenario 5 ; ___ This case should be closed in spite of not meeting the groundwater specific media criteria						
Evaluation Criteria: Shading indicates criteria met						
Site Specific Data		Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5
Plume Length	<100 feet	<100 feet	<250 feet	<1,000 feet	<1,000 feet	The site does not meet scenarios 1 through 4; however, a determination been made that under current and reasonably expected future scenarios, the contaminant plume poses a low threat to human health and safety and to the environment and water quality objectives will be achieved within a reasonable time frame.
Free Product	No free product	No free product	No free product	No free product	No free product	
Plume Stable or Decreasing	Stable or decreasing	Stable or decreasing	Stable or decreasing	Stable or decreasing for minimum of 5 years	Stable or decreasing	
Distance to Nearest Water Supply Well (from plume boundary)	No documentation from DWR or ACPWA indicating that one on-site water supply well was decommissioned (DWR / ACPWA) Indicates two water supply wells on the site; DWR and ACPWA records indicate that one of these wells was decommissioned. (GAMA)	>250 feet	>1,000 feet	>1,000 feet	>1,000 feet	
Distance to Nearest Surface Water Body (from plume boundary)	Down gradient: 3,050 feet Cross Gradient: 7,600 feet Up gradient: 7,500 feet	>250 feet	>1,000 feet	>1,000 feet	>1,000 feet	
Benzene Concentrations (µg/l)	Historic Max: 1.1 Current Max: 1.1	No criteria	<3,000	<1,000	<1,000	
MTBE Concentrations (µg/l)	Historic Max: < 0.5 Current Max: < 0.5	No criteria	<1,000	<1,000	<1,000	
Property Owner Willing to Accept a Land Use Restriction	Yes	Not applicable	Not applicable	Not applicable	Not applicable	

Notes: DWR = Department of Water Resources
 ACPWA = Alameda County Public Works Agency
 GAMA = Groundwater Ambient Monitoring Assessment (GeoTracker)

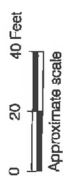
Attachment 3 – Groundwater Evaluation and Data

Analysis	
Plume Length	Defined to water quality objectives. (Contaminant plume that exceeds water quality objectives is less than 100 feet)
Free Product	Not observed at site.
Plume Stability	Plume is stable in aerial extent. (The contaminant mass has expanded to its maximum extent defined as the distance from the release where attenuation exceeds migration.)
Water Supply Wells	An Alameda County Public Works Agency (ACPWA) and the Department of Water Resources (DWR) well survey that the site had two water supply wells, one located at the eastern area of site at the southern edge of the property along 5th Street and the other older well at the southwest corner of the site. Documentation exists for the proper decommissioning of the well at the eastern area, but no permit record or documentation indicating that the other water supply well was properly decommissioned. Well survey results from the GeoTracker Groundwater Ambient Monitoring Assessment (GAMA) website indicates the two wells discussed above.
Surface Water Bodies	San Antonio Creek (Oakland Inner Harbor) is downgradient to the south at an approximate distance of 3050 feet from the plume boundary. San Francisco Bay is approximately 7600 feet cross-gradient to the west. San Francisco Bay is 7,500 feet up-gradient.



EXPLANATION

- E-1 Approximate location of boring by Treadwell & Rollo, Inc., April 2006
- B-1 Approximate location of boring by Treadwell & Rollo, Inc., August 2004
- SB-1 Grab soil sample location
- SN05 Grab groundwater sample location
- WN10 Note: Soil samples collected 5 feet below ground surface, groundwater sample collected 6 feet below ground surface.



Reference: Ground Floor Plan - Option A by Philip Barata & Associates Architects, dated 11/03/04.

RED STAR YEAST SITE Oakland, California	
SITE PLAN	
Date 12/13/06	Project No. 4068.01
Figure 2	

Treadwell & Rollo

Table 3
Summary of Analytical Data

Parameter	Method	Units	SB-	GR-	SB-2	GR-	SB-	SB-
			1	1		2	3	4
TPH (Diesel)	SW8015B	mg/Kg or mg/L	ND	ND	ND	ND	ND	ND
TPH (Gasoline)	SW8015B	mg/Kg or mg/L	ND	ND	ND	ND	ND	ND
VOCs	SW8260B	µg/Kg or µg/L	ND	ND	ND	ND	ND	ND
pH	SW9045C	pH units	7.24	6.61	8.6	6.88	8.16	8.09
PAHs	SW8270C	mg/Kg or mg/L		ND	0.52*, 0.58**	ND	ND	
Cadmium	SW6010B	mg/Kg or mg/L		ND	3.3	ND	1.4	
Chromium	SW6010B	mg/Kg or mg/L		ND	39	ND	28	
Lead	SW6010B	mg/Kg or mg/L		ND	2700	ND	29	
Mercury	SW7471A	mg/Kg or mg/L		ND	0.17	ND	ND	
Nickel	SW6010B	mg/Kg or mg/L		ND	42	ND	22	
Zinc	SW6010B	mg/Kg or mg/L		ND	1700	ND	34	
TDS	E160.1	mg/L		2400		1800		

* Result is for Fluoranthene

** Result is for Pyrene

Table 3
 Groundwater Analytical Results for Petroleum Hydrocarbons
 Red Star Yeast
 1396 Fifth Street
 Oakland, California

Sample ID	Date Sample	TPHg	TPHd	TPHmo	MTBE	Benzene	Toluene µg/L	Ethylbenzene	Xylenes	VOCs	SVOCs
E-1-W	4/14/2006	< 1.0	< 1.0	< 1.0	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	ND	ND
E-2-W	4/14/2006	< 1.0	320	1,500	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	-	--
E-3-W	4/14/2006	< 1.0	570	2,000	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	ND	ND
E-4-W	4/14/2006	< 1.0	580	1,900	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	-	--
E-5-W	4/14/2006	< 1.0	54	< 1.0	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	ND	ND
E-6-W	4/14/2006	< 1.0	< 1.0	< 1.0	< 0.05	< 0.005	< 0.005	< 0.005	< 0.005	ND	ND

Notes:

- TPHg - Total Petroleum Hydrocarbons as Gasoline, EPA Method 8015M
- TPHd - Total Petroleum Hydrocarbons as Diesel Range (C10-C23), EPA Method 8015M
- TPHmo - Total Petroleum Hydrocarbons as Motor Oil (C10-C23), EPA Method 8015M
- MTBE - Methyl Tert Butyl Ether
- VOCs - Volatile Organic Compounds, EPA 8260B
- SVOCs - Semi volatile organic compounds, EPA Method 8270
- All results are reported in micrograms per liter (µg/L)
- < 1.0 - Analyte was not detected above the laboratory reporting limit (0.005 mg/kg)
- Not Analyzed
- ND - Not detected at or above the laboratory reporting limit

Table 4
Groundwater Analytical Results for Total Metals
Red Star Yeast
1396 Fifth Street
Oakland, California

Sample ID	Date Sampled	Antimony (µg/L)	Arsenic (µg/L)	Barium (µg/L)	Beryllium (µg/L)	Cadmium (µg/L)	Chromium (µg/L)	Cobalt (µg/L)	Copper (µg/L)	Lead (µg/L)	Mercury (µg/L)	Molybdenum (µg/L)	Nickel (µg/L)	Selenium (µg/L)	Silver (µg/L)	Thallium (µg/L)	Vanadium (µg/L)	Zinc (µg/L)
E-1-W	4/14/2006	< 0.5	3.4	180	< 0.5	< 0.25	< 0.5	0.96	0.94	< 0.5	< 0.5	4.1	3.7	< 0.5	< 0.19	< 0.5	0.67	< 0.5
E-2-W	4/14/2006	--	--	--	--	< 0.25	< 0.5	--	--	--	--	--	--	--	--	--	--	--
E-3-W	4/14/2006	0.58	4.7	320	< 0.5	< 0.25	< 0.5	3.1	< 0.5	< 0.5	< 0.012	12	8.1	< 0.5	< 0.19	< 0.5	2.9	12
E-4-W	4/14/2006	--	--	--	--	< 0.25	< 0.5	--	--	< 0.5	--	--	5.8	--	--	--	--	< 5.0
E-5-W	4/14/2006	< 0.5	< 0.5	170	< 0.5	< 0.25	< 0.5	1.9	0.54	< 0.5	0.013	1.0	11	< 0.5	< 0.19	< 0.5	1.9	< 5.0
E-6-W	4/14/2006	< 0.5	< 0.5	150	< 0.5	< 0.25	< 0.5	3.0	1.5	< 0.5	< 0.012	1.3	7.7	< 0.5	< 0.19	< 0.5	1.7	< 5.0

Notes:

µg/L - microgram per liter

< 0.5 - Analyte was not detected above the laboratory reporting limit (0.5 µg/L).

-- Not analyzed

Table 6
Groundwater Analytical Results for Petroleum Hydrocarbons
Red Start Yeast
Oakland, California

Sample ID	Date Sampled	TPHg	TPHd	MTBE	Benzene	Toluene	Ethylbenzene	Xylenes
		µg/L						
GRAB	3-Oct-06	< 50	180	< 5.0	< 0.5	< 0.5	< 0.5	< 0.5
WN10 (14Nov06)	14-Nov-06	270	< 50	NM	< 0.5	< 0.5	< 0.5	< 0.5

Notes:

All results are reported in micrograms per Liter (µg/L)

TPHg - Total Petroleum Hydrocarbons as Gasoline, EPA Method 8015M

TPHd - Total Petroleum Hydrocarbons as Diesel Range (C10-C23), EPA Method 8015M

MTBE - Methyl Tert Butyl Ether

< 50 - Analyte was not detected above the laboratory reporting limit (50 µg/L)

NM - Not measured

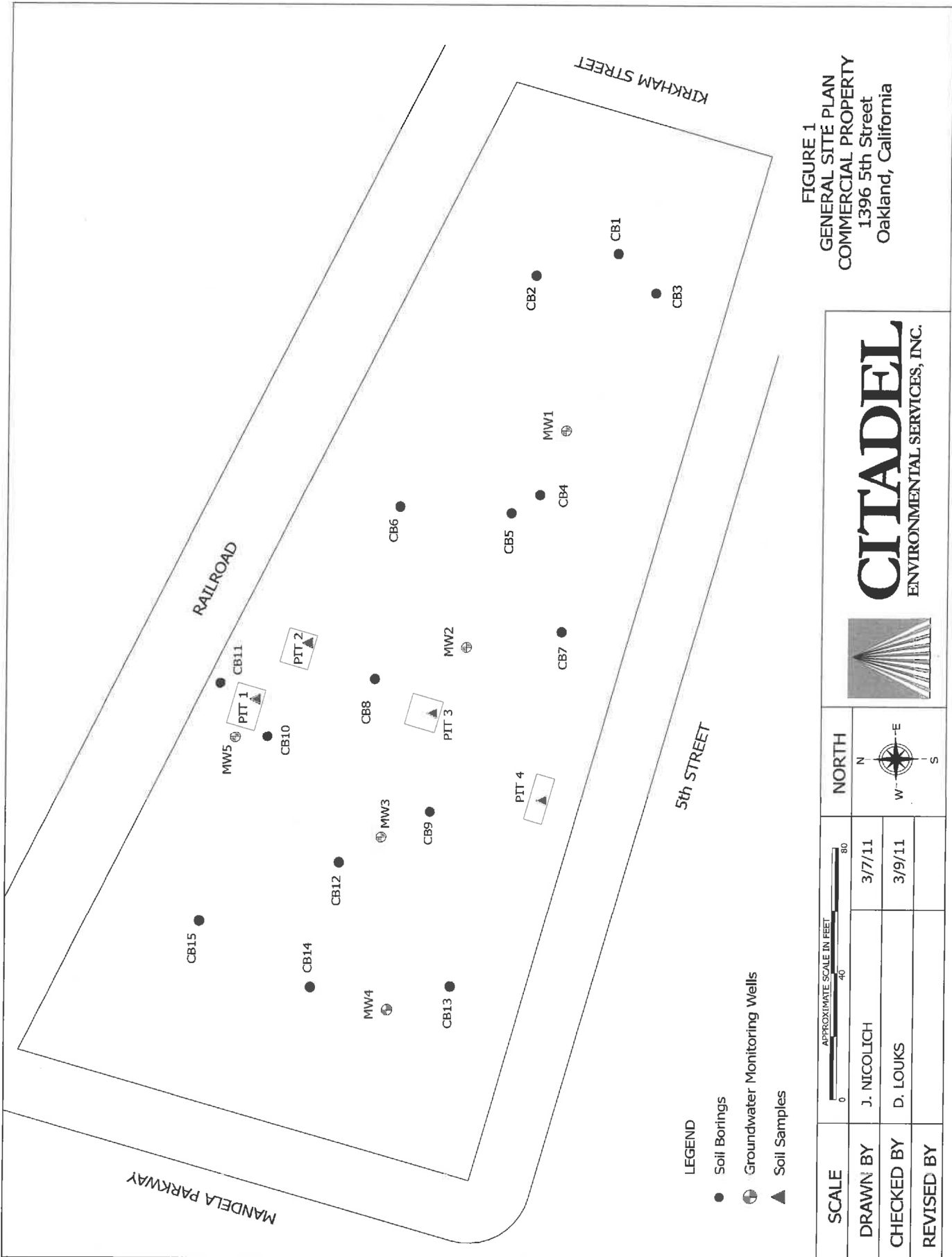


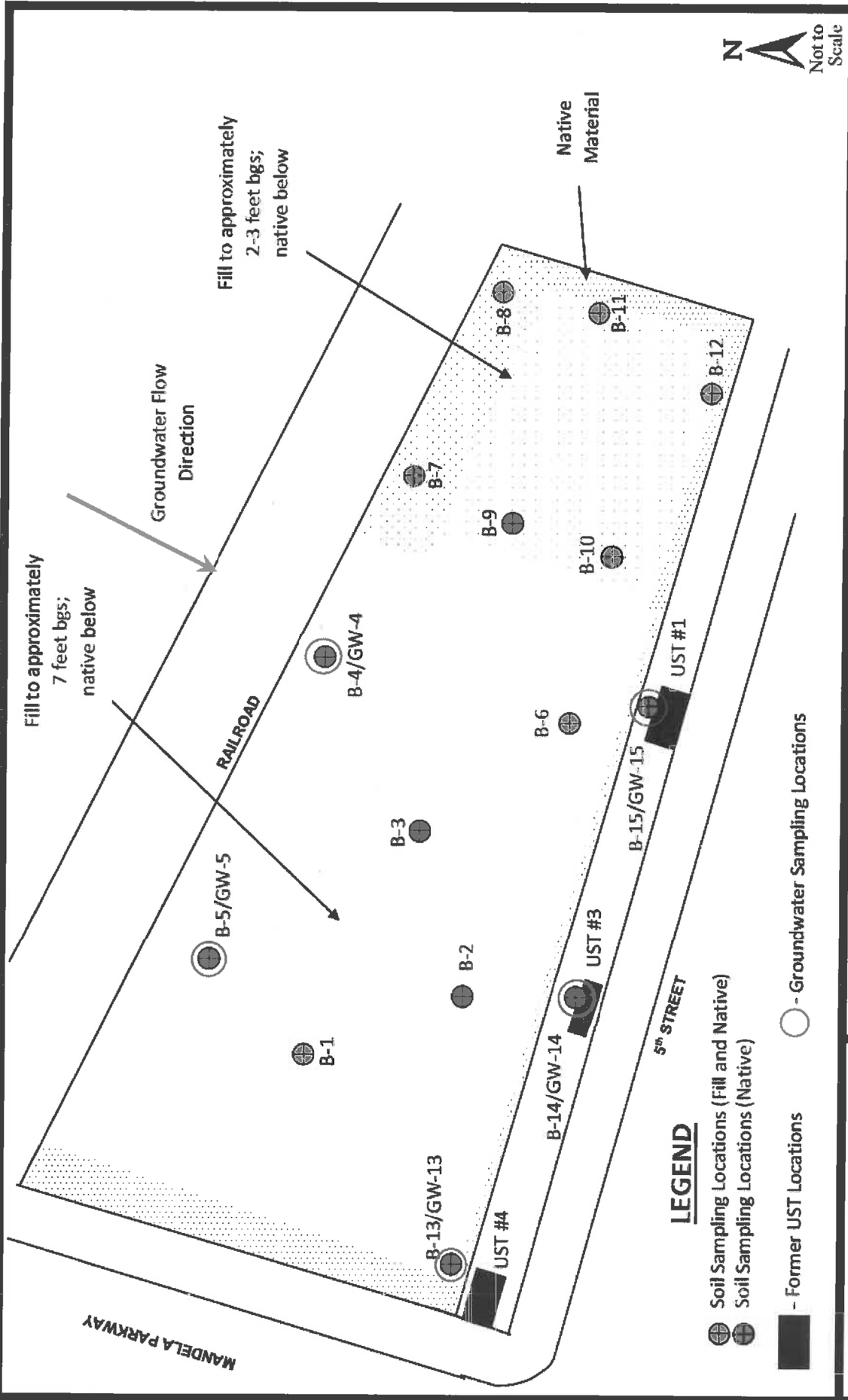
FIGURE 1
GENERAL SITE PLAN
COMMERCIAL PROPERTY
 1396 5th Street
 Oakland, California



TABLE 2: Summary of Groundwater Sampling Results ($\mu\text{g/L}$)

Sample ID	VOC	SVOC	C5-C12 Hc	C13-C24 Hc	C25-C40 Hc
<i>Sampled March 5, 2011</i>					
MW1	ND	---	<50	<1,000	<1,000
MW2	ND	---	<50	<1,000	<1,000
MW3	ND	---	<50	<1,000	<1,000
MW4	ND	ND	<50	<1,000	<1,000
MW5	ND	ND	<50	<1,000	2,400
ESL	--	--	100	100	100

Notes: Environmental Screening Levels (ESLs) developed by SFRWQCB as health risk and protective based guideline values when groundwater is not a potential drinking water source (Table B). Please refer to lab report for complete results.



PROJECT NO: 0849.1001.0
 DATE: JULY 2016

Figure 2

Site Plan with Sampling Locations
 2016 DATA GAP INVESTIGATION

Former Red Star Yeast Company
 1396 5th Street
 Oakland, California

CITADEL
 ENVIRONMENTAL SERVICES, INC.

LEGEND

- ⊕ Soil Sampling Locations (Fill and Native)
- ⊕ Soil Sampling Locations (Native)
- - Former UST Locations
- - Groundwater Sampling Locations

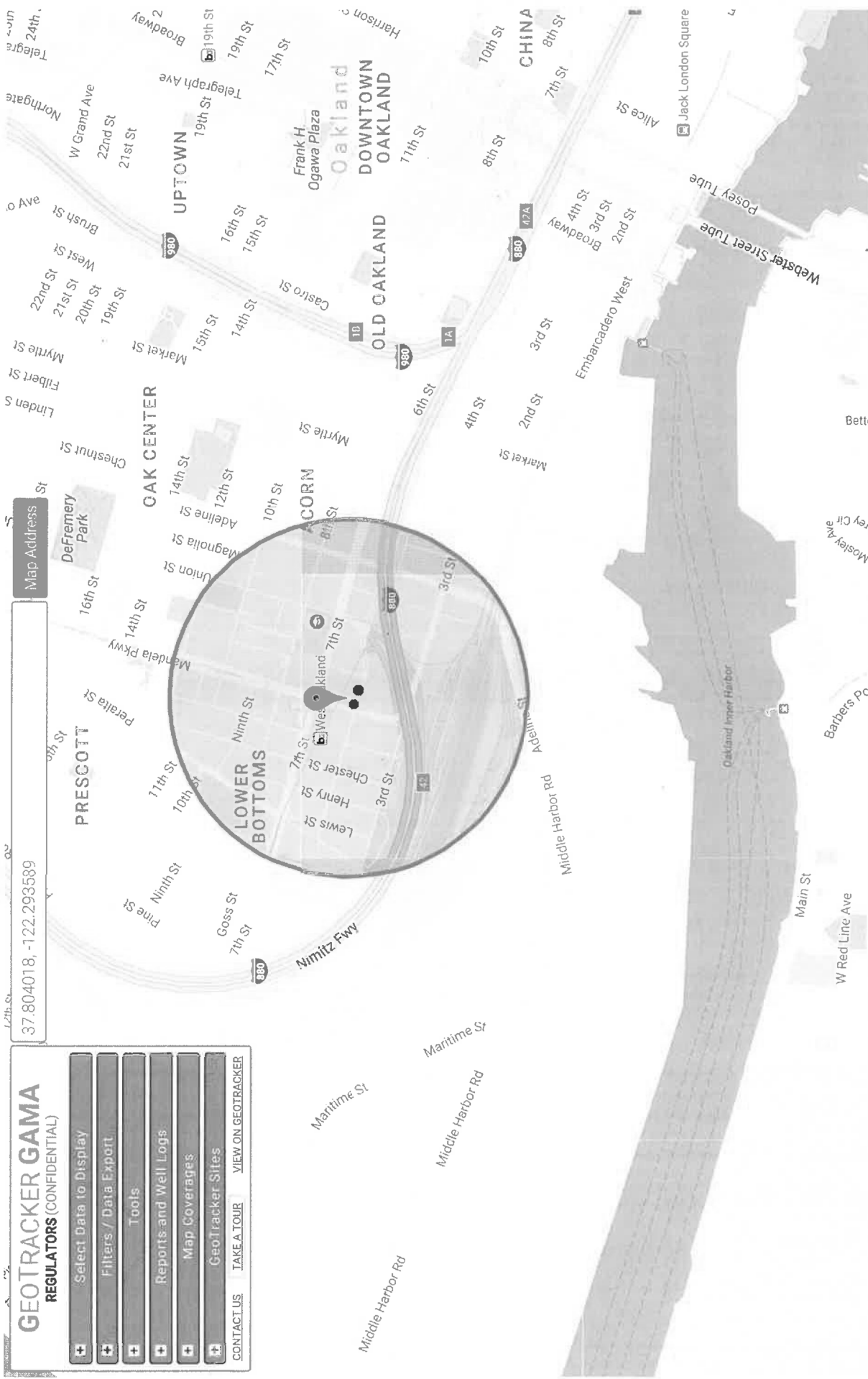
Table 5. Petroleum Hydrocarbons, Oxygenates and Volatile Organic Compounds (VOCs) in Groundwater
 Former Red Star Senior Living Apartments Development
 Michaels Development
 1396 Fifth Street, Oakland, California

Boring ID	Date Sampled	TPH _g (ug/L)	TPH _d (ug/L)	TPH _h (ug/L)	TPH _o (ug/L)	Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Total Xylenes (ug/L)	MTBE (ug/L)	ETBE (ug/L)	DIPE (ug/L)	TAME (ug/L)	TBA (ug/L)	Isopropylbenzene (ug/L)	N-Propylbenzene (ug/L)	Styrene (ug/L)	1,2,4-Triethylbenzene (ug/L)	1,3,5-Trimethylbenzene (ug/L)	Comments
GW-4	6/30/2016	1,500	136 J	200 J	100 J	ND<1.3	230	3.6	25	ND<1.3	ND<1.3	ND<1.3	ND<1.3	70	2.4 J	7.7	ND<1.3	38	18	
GW-5	6/30/2016	380	200 J	218 J	100 J	1.1	30	0.89	7.3	ND<0.25	ND<0.25	ND<0.25	ND<0.25	28	0.72	2.6	0.33 J	18	8.2	
GW-13	6/30/2016	41 J	ND<1.0	ND<1.0	ND<1.0	ND<0.25	ND<0.25	ND<0.25	ND<1.0	ND<0.25	ND<0.25	ND<0.25	ND<0.25	13	ND<0.25	ND<0.25	ND<0.25	ND<0.25	ND<0.25	
GW-14	6/30/2016	ND<35	130 J	ND<110	ND<110	ND<0.25	ND<0.25	ND<0.25	ND<1.0	ND<0.25	ND<0.25	ND<0.25	ND<0.25	ND<10	ND<0.25	ND<0.25	ND<0.25	ND<0.25	ND<0.25	
GW-15	6/30/2016	ND<35	ND<110	ND<110	ND<110	ND<0.25	ND<0.25	ND<0.25	ND<1.0	ND<0.25	ND<0.25	ND<0.25	ND<0.25	ND<10	ND<0.25	ND<0.25	ND<0.25	ND<0.25	ND<0.25	
CAMCL						1.0	150	300	1,750	13							100			
SFRWOCB Ter 1 ESL		100	100			1.0	40	13	20	5				12			10			
SFRWOCB Ter 2 ESL		440	640			1.1	130	13	100	180				18,000			110			

Notes:

- ug/L = Micrograms per liter
- ND = Not detected
- TPH_g = Total petroleum hydrocarbons as gasoline analyzed by EPA Method 8260B
- TPH_d = Total petroleum hydrocarbons as diesel by EPA Method 8015B
- TPH_h = Total petroleum hydrocarbons as fuel by EPA Method 8015B
- Volatile Organic Compounds (VOCs) analyzed by EPA Method 8260B
- MTBE = Methyl tertiary-butyl ether analyzed by EPA Method 8260B
- ETBE = Ethyl tertiary-butyl ether analyzed by EPA Method 8260B
- DIPE = Di-isopropyl ether analyzed by EPA Method 8260B
- TAME = Tertiary-amyyl methyl ether analyzed by EPA Method 8260B
- TBA = Tertiary-butyl alcohol analyzed by EPA Method 8260B
- Other VOCs analyzed by EPA Method 8260B
- J = detection value between method detection limit and detection limit for reporting purposes
- CAMCL = California Maximum Contaminant Levels
- SFRWOCB Ter 1 ESL = San Francisco Regional Water Quality Control Board Ter 1 Environmental Screening Level
- Detected concentrations are shown in bold type
- All other VOCs were Non-Detect
- = No ESL or MCL Established
- Ter 1 ESLs = Using conservative conceptual site model scenario
- Ter 2 ESLs = Using site specific conceptual site model scenario
- Residential land use, non-drinking water source, risk based screening levels, no building slab, shallow groundwater, sandy soil and shallow soil contamination

Case Number RO2896: 2000-foot radius water well survey in GAMA



500 ft

Map - Report a map error

Google

ATTACHMENT 4



COUNTY OF ALAMEDA

Assessor's Office

Property Value System

[Help](#)[New Query](#)[History](#)[Value](#)[Transfer](#)[Map](#)[Glossary](#)

Parcel Number: 4-69-4 Inactive: N Lien Date: 01/01/2016 Owner: OAKLAND HOUSING INVESTORS LP
 Property Address: 1396 5TH ST, OAKLAND, CA 94607-1800
 Current Mailing Address as of 10/26/2015: OAKLAND HOUSING INVESTORS LP, 3 E STOW RD, MARLTON, NJ 08053-3188

Mailing Name		Historical Mailing Address	Document Date	Document Number	Value From Trans Tax	Parcel Count	Use
OAKLAND HOUSING INVESTORS LP	List Owners	4299 MACARTHUR BLVD STE 215, NEWPORT BEACH, CA 92660-2020	11/19/2008	2008-334359		1	<u>7000</u>
NATIONAL AFFORDABLE COMMUNITIES INC	List Owners	4299 MACARTHUR BLVD # 215, NEWPORT BEACH, CA 92660	11/17/2008	2008-332499	\$3,750,000	1	<u>7000</u>
PANAHI SADEGH S TR & EISENBERGER PTP ETAL	List Owners	P O BOX 22, LARKSPUR, CA 94977-0022	10/19/2007	2007-370188		1	<u>3000</u>
1396 5TH STREET LLC & EISENBERGER PTP ETAL	List Owners	555 FLORIDA ST # 100, SAN FRANCISCO, CA 94110-1458	02/16/2005	2005-64746		1	<u>3000</u>
1396 5TH STREET LLC & EISENBERGER PTP ETAL	List Owners	555 FLORIDA ST # 100, SAN FRANCISCO, CA 94110	02/16/2005	2005-64745		1	<u>3000</u>
1396 5TH STREET LLC & EISENBERGER PTP ETAL	List Owners	1357 5TH ST, OAKLAND, CA 94607	12/22/2004	2004-564276	\$1,892,000	1	<u>3000</u>
LESAFFRE YEAST CORPORATION c/o SENSIENT TECH CORP	List Owners	777 E WISCONSIN AVE, MILWAUKEE, WI 53202	09/22/2003	2003-558744	\$1,060,000	1	<u>3000</u>
UNIVERSAL FOODS CORPORATION c/o CHEV USA PROP TAXES	List Owners	777 E WISCONSIN AV 11F, MILWAUKEE, WI 53202	04/13/1966	AY-47285		1	<u>3000</u>

All information on this site is to be assumed accurate for property assessment purposes only, and is based upon the

Assessor's knowledge of each property. Caution is advised for use other than its intended purpose.

The Alameda County Intranet site is best viewed in Internet Explorer Version 5.5 or later.
 Click [here](#) for more information regarding supported browsers.

Copyright © 2001 Alameda County

ASSESSOR'S MAP 4

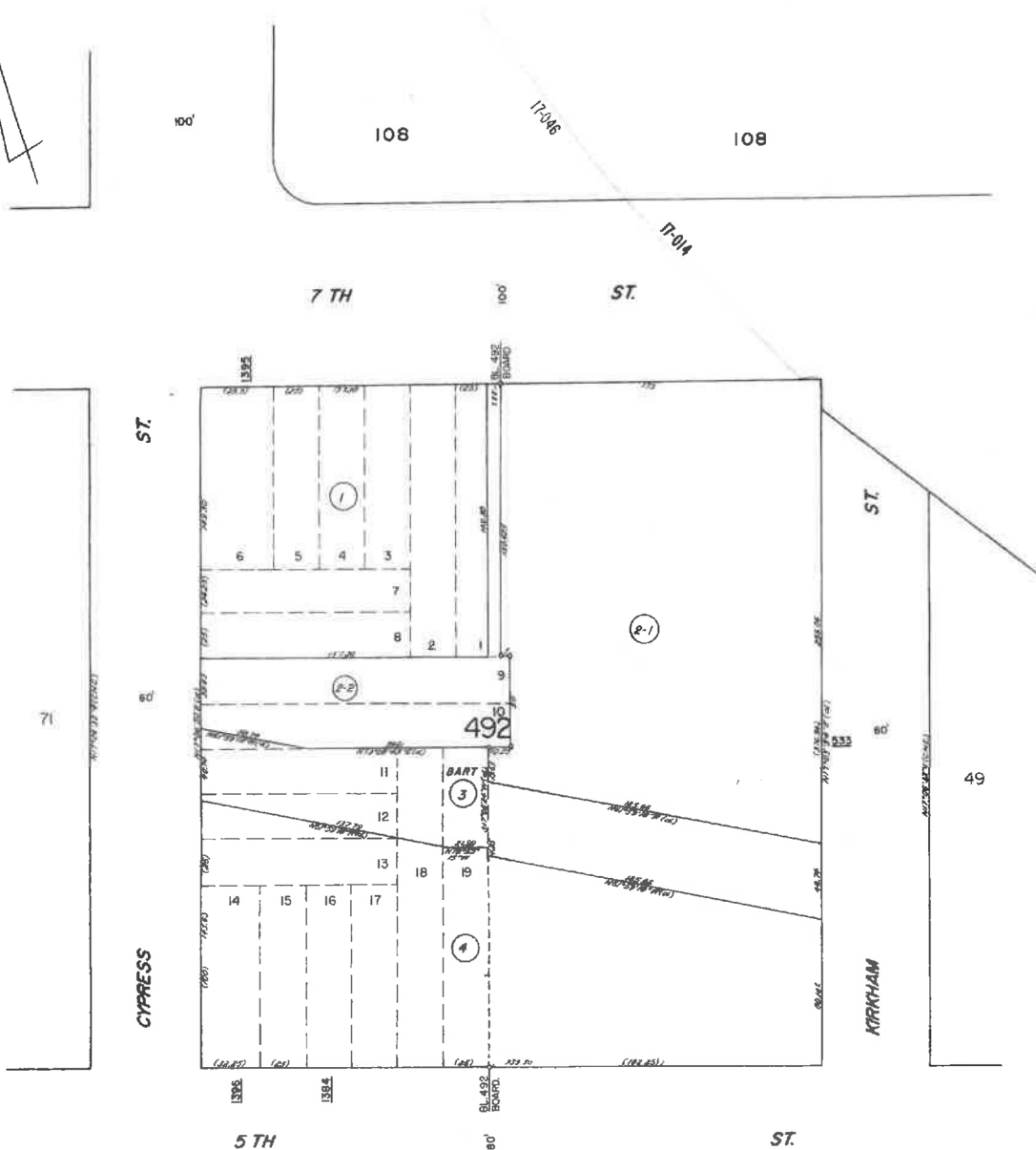
Code Area Nos. 17-046

69
Scale: 1" = 50'

OAKLAND AND VICINITY (BOARDMAN) (Bk.17 Pg.14)
WESTERLY PART OF BLOCK 492 (Bk.1 Pg.190)

Revised: 7-25-74 U.P.
4-27-00 PB
4-27-04 PB
11-09-10 LL

Drawn: 11-68 RG



Formerly: Blk. 305

BOOK 18

REF. R.S. 2422 36/97

ATTACHMENT 5

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

INVITATION TO COMMENT – POTENTIAL CASE CLOSURE

**RED STAR YEAST / 1396 FIFTH STREET LLC
1396 5TH STREET
OAKLAND, CA 94607
SITE CLEANUP PROGRAM CASE RO0002896
GEOTRACKER GLOBAL ID T06019794669**

OCTOBER 20, 2016

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of Alameda County Department of Environmental Health (ACDEH) for the investigation of Total Petroleum Hydrocarbons and metals, including lead and mercury. The site is currently a vacant lot under commercial/industrial land use.

Site investigation activities have been completed and it appears that the residual contaminants do not pose a significant risk for the current land use. ACDEH is considering closure of the case with site management requirements which would require notifying ACDEH of residential or sensitive land use, or if any development occurs.

This notice is being sent to the current occupants and landowners of surrounding properties and known interested parties for this site. The public is invited to review and comment on the potential closure of the case. The entire case file can be viewed over the Internet on the ACDEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Anne Jurek at ACDEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by November 21, 2016** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACDEH caseworker, Anne Jurek at 510-567-6721 or by email at anne.jurek@acgov.org. Please refer to ACDEH case RO0002896 in any correspondence.

=A1:E25Name	StreetAddress/unit	City	State	Zip
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND	CA	94623-0440
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	1330 BROADWAY	OAKLAND	CA	94612-2503
STATE OF CALIFORNIA	PO BOX 7791	SAN FRANCISCO	CA	94120-7791
OCCUPANT	1304 5TH	OAKLAND	CA	94607
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND	CA	94623-0440
OCCUPANT	500 KIRKHAM ST	OAKLAND	CA	94607
WEST OAKLAND DEVELOPMENT GROUP LLC	1532 9TH ST	OAKLAND	CA	94607-1910
KIRKHAM LLC	1625 CLAY ST UNIT 100	OAKLAND	CA	94612-1564
KIRKHAM LLC	1001 42ND ST UNIT 200	OAKLAND	CA	94608-3620
OCCUPANT	1533 KIRKHAM ST	OAKLAND	CA	94607
TRAN HUNG T & NGUYEN HONGHOA T TRS & TRAN TRUNG V	1604 PECAN CT	REDWOOD CITY	CA	2649-8500
OCCUPANT	1395 7TH ST	OAKLAND	CA	94607
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	300 LAKESIDE DR UNIT 22	OAKLAND	CA	94612-3534
NORMAN R HINCK TR	2133 CAMPTON CIR	GOLD RIVER	CA	95670-8305
OCCUPANT	1403 5TH ST	OAKLAND	CA	94607
CIVICORPS SCHOOLS	101 MYRTLE ST	OAKLAND	CA	94607-2543
OCCUPANT	1417 5TH ST	OAKLAND		94607
CIVICORPS SCHOOLS	101 MYRTLE ST	OAKLAND	CA	94607-2543
CIVICORPS JOB TRAINING CENTER	1425 5TH ST	OAKLAND	CA	94607
NORMAN R HINCK TR	2133 CAMPTON CIR	GOLD RIVER	CA	95670-8305
OCCUPANT	355 MANDELA PKWY	OAKLAND	CA	94607
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	300 LAKESIDE DR UNIT 22	OAKLAND	CA	94612-3534
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND	CA	94623-0440