

Oak to Ninth Mixed Use Development — Amendment to Conditions of Approval 18 and 19

18. The Project Applicant shall implement all of the mitigation measures described in “Section B. Transportation, Circulation and Parking” of the MMRP. The project Applicant shall have prepared, by a licensed traffic engineer, and shall submit to the City for its approval, a Schematic Master Traffic Improvement Plan for all traffic improvements that are to be funded by the Project Applicant pursuant to Mitigation Measures **B.1.a (as amended), B.1.c., B.1.d., B.1.e., B.2.a., B.2.b., B.2.d., B.2.f., B.2.g., B.2.i., B.2.j., B.2.l., B.2.m., B.2.n., B.2.o., B.2.p., B.2.q.**, as set forth in the MMRP. This plan shall be submitted prior to the issuance of the first building permit for a development parcel.

As set forth in the MMRP and refined below, the Schematic Master Traffic Improvement Plan shall include the following improvements:

a. The schematic design of traffic signals at the unsignalized intersections of:

- ~~Embarcadero and Oak Street (MM B.1.a.)~~
- Embarcadero and 5th Avenue (MM B.1.d.)
- Embarcadero and I-880 Northbound Off-ramp — 6th Avenue (MM B.1.e)
- Embarcadero and Broadway (MM B.2.b)
- Embarcadero — I-880 Southbound On-ramp — 10th Avenue (MM B.2.1)

b. These schematic plans shall include fixed time controls with permitted left-turn phasing, traffic signal equipment, optimization of signal phasing and timing with the relative traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall meet City of Oakland and Caltrans standards. The schematic design and general specifications for the traffic signals shall also include installation of optimization components such as interconnection hardware (modems, microwave antennas, video, etc.) for each intersection roadway approach and coordination with signal phasing and timing of adjacent intersections. In addition, each intersection and roadway approach shall include striping improvements, determination of locations for signal arms and other signal components and any work required to install them such as curb and sidewalk modifications, utility line relocation, etc.

c. The schematic plans, equipment and specifications for optimization of the traffic signal timing at:

- The signalized intersection of 6th and Jackson Streets at the I-880 Northbound On-ramp. (MM B.1.c)
- The signalized intersection of 5th and Oak Streets during the PM peak period at the I-880 Southbound On-ramp. (MM B.2.d)

- The signalized intersection of West Grand Avenue and Harrison Street during the AM peak period. **(MM B.2.f)**
- The signalized intersection of Lakeshore Avenue and Foothill Boulevard during the AM peak period. **(MM B.2.g)**
- The signalized intersection of Lakeshore Avenue and Lake Park Avenue during the PM peak period. **(MM B.2.i)**
- The signalized intersection of 5th Avenue and 7th/8th Streets during the PM peak period. **(MM B.2.m)**
- The signalized intersection of 14th Avenue and 7th/12th Streets (Southbound during the PM peak period). **(MM B.2.n)**
- The signalized intersection of Foothill Boulevard and 14th Avenue (Westbound - during the AM peak period.) **(MM B.2.o)**
- The signalized intersection of Foothill Boulevard and 14th Avenue (Eastbound - during the AM peak period.) **(MM B.2.p)**
- The signalized intersection of 16th Street and 23rd Avenue during the PM peak period. **(MM B.2.q)**

d. The optimization plan shall include the determination of allocation of green time for each intersection approach in tune with the relative projected traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. In addition, a determination of interconnection hardware (modems, microwave antennas, video, etc.) shall be incorporated along with any other physical improvements or modifications required to optimize the signal.

e. Each traffic improvement detailed in the plan shall include cost estimates and an estimated length of time for completion of each improvement.

19. An implementation and phasing plan shall be developed for the traffic improvements established in Condition of Approval No.18 and the MMRP, based on the following schedule for completion of the residential units:

Group 1 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 1,000th unit: ~~Installation of signals at Embarcadero and Oak~~, Embarcadero and 5th, Embarcadero — 1-880 Northbound On-ramp and 6th Street and Embarcadero and Broadway. In addition, optimization of existing signals at 6th — Jackson-I-880 Northbound ramp and the 5th and Oak @ I-880 Southbound ramp.

Group 2 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 2,500th unit: Installation of signals at Embarcadero —1-880 Southbound On-ramp and 10th Avenue. In addition, optimization of existing signals at 5th Avenue and 7th/8th Streets; 14th Avenue — 7th to 12th Streets; Foothill-14th Avenue (Eastbound and Westbound); 16th

Street — 23rd Avenue. Fair share contributions for intersection improvements paid to City of Alameda and fair share in-lieu payment of \$795,199.14 for intersection improvements at Embarcadero and Oak Street.

Group 3 Traffic Improvements — to be completed no later than the issuance of an occupancy permit for the 3,100th unit: Optimization of the signalized intersections at West Grand and Harrison; Lakeshore and Foothill Boulevard; and Lakeshore and Park. As set forth in Condition of Approval 5, these traffic improvements must be completed by the issuance of a certificate of occupancy for the unit specified; no security, bonding or other financial assurances shall be used to defer completion.

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APPENDIX 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 SEIR prepared for the Brooklyn Basin Marina Expansion Project, as revised in the Response to Comments/Final SEIR (Revised Project Modifications).

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 SCAs and mitigation measures that apply to the Revised Project Modifications. As indicated in their title, some of the applicable mitigation measures are from the Brooklyn Basin Project Environmental Impact Report (2009 EIR) that the City certified on January 20, 2009.¹ The SCAs and some of the mitigation measures are from the Draft SEIR, as amended in the Final SEIR.

SCAs are considered “environmental protection measures” that would minimize potential adverse effects that could result from implementation of the Revised Project Modifications, to ensure the conditions are implemented and monitored. All of the environmental topics and potential effects addressed by the SCAs and mitigation measures are included in this SCAMMRP. This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the SEIR were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies the mitigation measure or SCA applicable to that topic in the Draft SEIR. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation or SCA designator). The SCAs are numbered to specifically apply to the Revised Project

¹ The Brooklyn Basin Project was previously called the Oak to Ninth Project. For the purpose of this Supplemental EIR (SEIR) analysis, the 2009 EIR is comprised of the following documents: *Oak to Ninth Avenue Project Draft EIR*, August 2005; *Oak to Ninth Avenue Project, 2006 Addendum #1 to the Certified Environmental Impact Report*, June 7, 2006; *Oak to Ninth Avenue Project Final EIR*, August 2006; *Revisions to the Analysis in the Oak to Ninth Avenue Project EIR (SCH. No. 2004062013) Prepared to Comply with the Alameda County Superior Court Order Case No. RG06-280345 and Case No. RG06-280471*, November 2008; *Oak to Ninth Avenue Project Responses to Comments on the Revisions*, December 2008; and City of Oakland Resolution No. 81769 C.M.S., approved January 20, 2009.

Modifications and this SEIR; however, the SCAs as presented in the City's *Standard Conditions of Approval and Uniformly Applied Development Standards* document are included in parenthesis for cross-reference purposes.²

- The second column identifies the monitoring schedule or timing applicable to the Revised Project Modifications.
- The third column names the party responsible for monitoring the required action for the Revised Project Modifications.

The Project Applicant is responsible for compliance with any recommendations identified in City-approved technical reports, all applicable mitigation measures adopted, and with all SCAs 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 Bureau of Planning, and Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project Applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

² Dated December 16, 2020 as amended.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
General		
<p>SCA GEN-1 (Standard Condition Approval 15) Regulatory Permits and Authorizations from Other Agencies</p> <p><u>Requirement:</u> 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 of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p>	Prior to activity requiring permit/ authorization from regulatory agency.	City of Oakland Bureau of Planning and applicable regulatory agency with jurisdiction
IV.A Land Use		
<p>2009 EIR Mitigation Measure A.1: The Project Applicant shall incorporate into the Project site plan design elements that 1) address the relationship (setback, height and upper-story stepbacks, etc.) of new buildings located adjacent to Fifth Avenue Point to minimize the physical division of the outparcels from the existing Oak-to-Ninth District; 2) provide safe, direct, and well-designed pedestrian and bicycle access between the outparcels and the new public open spaces, trails, and marina uses on the Project site; 3) provide appropriate landscaping and/or other feature(s) to provide appropriate buffering between the outparcels and the Project site, where necessary and feasible. The proposed Planned Waterfront Zoning District (PWD-1) standards discussed in Impact A.2 shall incorporate, as appropriate, specific design standards to address the aforementioned elements in areas abutting Fifth Avenue Point.</p>	Prior to approval of Final Development Plans and specifications for the respective Development Parcel	City of Oakland Bureau of Planning
<p>2009 EIR Mitigation Measure A.3a: The Project Applicant shall implement all mitigation measures identified throughout this SEIR to address the significant physical impacts associated with the environmental changes that would occur as a result of the project, reducing each impact to less than significant, where feasible.</p>	Throughout implementation of the project	City of Oakland Bureau of Planning
<p>2009 EIR Mitigation Measure A.3b: The Project Applicant shall implement the specific regulations and standards of the proposed Planned Waterfront Zoning District (consistent with Mitigation Measures A.1 and A.2b), if approved. To specifically address the physical impacts resulting from the change in land use and environment in proximity to Fifth Avenue Point and adjacent residential development, the project shall adhere to the regulations and standards for allowable uses, open space, streets, setbacks, building heights and upper-story stepbacks, maximum densities, maximum commercial space, pedestrian and bicycle access, and landscaping and buffering.</p>	Throughout implementation of the project by administration of the adopted Design Guidelines and the design review process in the Development Agreement	City of Oakland Bureau of Planning
IV.B Transportation		
<p>SCA TRA-3 (Standard Condition of Approval 78) Transportation and Parking Demand Management</p> <p>a. Transportation and Parking Demand Management (TDM) Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. 	<p>a. Prior to approval of planning application</p> <p>b. Prior to building permit final</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning</p> <p>b. City of Oakland Bureau of Building</p> <p>c. City of Oakland Department of Transportation</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring													
	Schedule	Responsibility												
IV.B Transportation (cont.)														
<ul style="list-style-type: none"> • Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> – Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR – Projects generating 100 or more net new a.m. or p.m. 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. <p>ii. The TDM Plan should include the following:</p> <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). <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>														
<table border="1"> <thead> <tr> <th>Improvement</th> <th>Required by code or when...</th> </tr> </thead> <tbody> <tr> <td>Bus boarding bulbs or islands</td> <td> <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 </td> </tr> <tr> <td>Bus shelter</td> <td> <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 </td> </tr> <tr> <td>Concrete bus pad</td> <td> <ul style="list-style-type: none"> • A bus stop is located along the project frontage and a concrete bus pad does not already exist </td> </tr> <tr> <td>Curb extensions or bulb-outs</td> <td> <ul style="list-style-type: none"> • Identified as an improvement within site analysis </td> </tr> <tr> <td>Implementation of a corridor-level bikeway improvement</td> <td> <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 </td> </tr> </tbody> </table>	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 		
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Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/Monitoring	
		Schedule	Responsibility
IV.B Transportation (cont.)			
Improvement	Required by code or when...		
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; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> Always required 		
In-street bicycle corral	<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. 		
Intersection improvements³	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
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 parking⁴	<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. 		
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required 		
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Pedestrian-supportive signal changes⁵	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 		
Real-time transit information system	<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 		

³ Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

⁴ May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

⁵ 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.

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/Monitoring	
		Schedule	Responsibility
IV.B Transportation (cont.)			
Improvement	Required by code or when...		
Relocating bus stops to far side	<ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 		
Signal upgrades⁶	<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 		
Transit queue jumps	<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 		
Trenching and placement of conduit for providing traffic signal interconnect	<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 		
Unbundled parking	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 		
<p>v. Other TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> 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. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. 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. 			

⁶ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.B Transportation (cont.)		
<ul style="list-style-type: none"> • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List, 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 any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • 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). • 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. • 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). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • 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. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. • Distribution of information concerning alternative transportation options. • 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. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • 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). • 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. <p>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</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.B Transportation (cont.)		
<p>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> <p>b. TDM Implementation – Physical Improvements</p> <p><u>Requirement:</u> 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. TDM Implementation – Operational Strategies</p> <p><u>Requirement:</u> 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>		
IV.D Hydrology and Water Quality		
<p>SCA HYD-1 (Standard Condition Approval 60): Structures in a Flood Zone. Prior to approval of construction-related permit. The project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. The project applicant shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations elevated above the BFE.</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Building
<p>SCA HYD-2 (Standard Condition Approval 61): Bay Conservation and Development Commission (BCDC) Approval. Prior to activity requiring permit/approval from BCDC. The project applicant shall obtain the necessary permit/approval, if required, from the Bay Conservation and Development Commission (BCDC) for work within BCDC’s jurisdiction to address issues such as but not limited to shoreline public access and sea level rise. The project applicant shall submit evidence of the permit/approval to the City and comply with all requirements and conditions of the permit/approval.</p>	Prior to activity requiring permit/approval from BCDC	BCDC; evidence of approval submitted to Bureau of Planning
<p>2009 Mitigation Measure D.1: The project sponsor shall comply with all NPDES requirements, RWQCB General Construction Permit requirements, and all City regulations and Creek Protection Permits requirements.</p>	Prior to issuance of a grading permit for each phase of the project.	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.E Cultural Resources and Tribal Cultural Resources		
<p>SCA CUL-1 (Standard Condition of Approval 32): <i>Archaeological and Paleontological Resources – Discovery During Construction</i></p> <p><u>Requirement:</u> 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 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>During construction</p>	<p>City of Oakland Bureau of Building</p>
<p>SCA CUL-2 (Standard Condition of Approval 33): <i>Archaeologically Sensitive Areas – Pre-Construction Measures</i></p> <p><u>Requirement:</u> The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study.</p> <p>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"> a. 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. b. A report disseminating the results of this research. 	<p>Prior to approval of construction-related permit; During construction</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.E Cultural Resources and Tribal Cultural Resources (cont.)		
<p>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</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.</p> <p>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); 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 (Standard Condition of Approval 34): Human Remains – Discovery During Construction</p> <p><u>Requirement:</u> 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	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.G Noise		
<p>SCA NOI-1 (Standard Condition of Approval 67): Exposure to Community Noise. 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> <ul style="list-style-type: none"> a. 45 dBA: Residential activities, civic activities, hotels b. 50 dBA: Administrative offices; group assembly activities c. 55 dBA: Commercial activities d. 65 dBA: Industrial activities. 	Prior to approval of construction-related permit	City of Oakland Bureau of Planning and Bureau of Building
IV.I Biological Resources		
<p>SCA BIO-1 (Standard Condition of Approval 28): Bird Collision Reduction Measure. The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include <u>all</u> of the following:</p> <ul style="list-style-type: none"> i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of mirrors in landscape design. v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule), as explained below. vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following: <ul style="list-style-type: none"> – Use opaque glass in window panes instead of reflective glass. – Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). – Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). – Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. 	Prior to approval of construction-related permit	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.I Biological Resources (cont.)		
<ul style="list-style-type: none"> – Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. – Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule). – Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. – Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage. <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> – Reduce perimeter lighting whenever possible. – Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30). – Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00p.m. and sunrise. – Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass. – Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration. <p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> – Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. – Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials. – Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. – Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. <p>Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</p>		
<p>Mitigation Measure BIO-2: Fish and Marine Mammal Protection During Pile Driving. Prior to the start of any in-water construction that would require pile driving, the Project Applicant shall prepare a National Marine Fisheries Service-approved sound attenuation monitoring plan to protect fish and marine mammals, and the approved plan shall be implemented during construction. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities (if required based on projected in-water noise levels), and describe best management practices to reduce impact pile-driving in the aquatic environment to an intensity level less than 183 dB (sound exposure level, SEL) impulse noise level for fish at a distance of 33 feet, and 160 dB (root mean square pressure level, RMS) impulse noise level. The plan shall incorporate, but not be limited to, the following best management practices:</p> <ul style="list-style-type: none"> – 	<p>Prior to approval of construction-related permit; ongoing during construction activities</p>	<p>NMFS; evidence of approval submitted to City of Oakland Bureau of Planning</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.I Biological Resources (cont.)		
<ul style="list-style-type: none"> All in-water construction shall be conducted within the established environmental work window between June 1 and November 30, designed to avoid potential impacts to fish species. A soft start technique to impact hammer pile driving shall be implemented, at the start of each work day or after a break in impact hammer driving of 30 minutes or more, to give fish and marine mammals an opportunity to vacate the area. A cushion block will be used during impact hammer pile installation. If during the use of an impact hammer, established National Marine Fisheries Service pile driving thresholds are exceeded, a bubble curtain or other sound attenuation method as described in the National Marine Fisheries Service-approved sound attenuation monitoring plan shall be utilized to reduce sound levels below the criteria described above. If National Marine Fisheries Service sound level criteria are still exceeded with the use of attenuation methods, a National Marine Fisheries Service-approved biological monitor shall be available to conduct surveys before and during pile driving to inspect the work zone and adjacent waters for marine mammals. The monitor shall be present as specified by the National Marine Fisheries Service during impact pile driving and ensure that: <ul style="list-style-type: none"> The safety zones established in the sound monitoring plan for the protection of marine mammals are maintained. Work activities are halted when a marine mammal enters a safety zone and resumed only after the animal has been gone from the area for a minimum of 15 minutes. 		
<p>Mitigation Measure BIO-3: Eelgrass Surveys. Prior to the start of any in-water construction, the Project Applicant conduct a National Marine Fisheries Service and California Department of Fish and Wildlife and California Department of Fish and Wildlife - approved eelgrass survey consistent with the measures described in the National Marine Fisheries Service's October 2014 California Eelgrass Mitigation Policy and Implementation Guidelines (2014 CEMP) and include the following:</p> <ul style="list-style-type: none"> Before in-water construction activities may occur within the marine environment, eelgrass surveys shall be conducted within the construction footprint consistent within the methods outlined within CEMP guidance (NFMS, 2014). If eelgrass beds are observed adjacent to the construction footprint, but direct impact is avoidable during construction activities, the avoidance and minimization activities outlined in CEMP guidance shall be implemented during all in-water construction work (NFMS, 2014). If it is determined that direct impact to eelgrass is unavoidable during construction activities, appropriate mitigation consistent with NMFS 2014 Guidance, and commensurate with the level of impact expected, shall be implemented (NFMS, 2014). 	Prior to approval of construction-related permit; on-going during construction activities	NMFS; evidence of approval submitted to City of Oakland Bureau of Planning
<p>2009 Mitigation Measure I.2c: Obtain Regulatory Permits and other Agency Approvals. Prior to the start of construction activities for the project, the project applicant shall obtain all required permit approvals from the Corps, the RWQCB, BCDC, and all other agencies with permitting responsibilities for construction activities within jurisdictional waters of other jurisdiction areas. Permit approvals and certifications shall include but not be limited to Section 404/Section 10 permits from the Corps, Section 401 Water Quality Certification from the RWQCB, and BCDC permit.</p> <ul style="list-style-type: none"> Section 404/Section 10 Permits. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act. Construction along the estuary edge below MHW elevation will be considered dredging by the Corps and will require a Section 10 permit. In addition, dredging of Clinton Basin will also require a Section 10 permit. 	Prior to approval of Final Development Plans; on-going during construction activities for that part of the site adjacent to the shoreline or otherwise potentially affected applicable land and water areas (i.e., stormwater or construction runoff and erosion)	City of Oakland Bureau of Planning and Bureau of Building; City of Oakland Public Works Department

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.I Biological Resources (cont.)		
<ul style="list-style-type: none"> Section 401 Water Quality Certification. Approval of Water Quality Certification (WQC) and/or Waste Discharge Requirements (WDRs) shall be obtained from the RWQCB for work within jurisdictional waters. Preparation of the Section 401 Water Quality Certification applications will require an application and supporting materials including construction techniques, areas of impact, and project schedule. BCDC Permit. Permit approval from BCDC shall be obtained for placement of solid material, pilings, floating structures, boat docks, or other fill in the Bay, and/or dredging or other extraction of material from the Bay and within the 100-foot shoreline band inland from mean high tide line along the length of the project site. Project activities subject to this permit approval would include dredging for rebuilding the marina in Clinton Basin and replacement of the 5th Avenue Marina with a new marina that would contain approximately 170 boat slips. The proposed project would include the removal of approximately 33,780 square feet of solid Bay fill as part of the shoreline design and the placement of 74,110 square feet of solid Bay fill for the creation of a village green at Clinton Basin. The project would also include the removal of approximately 129,920 square feet of pile-supported fill with the removal of a portion of the Ninth Avenue Terminal wharf. Additionally, floating fill would be required to create the two proposed marinas. <p>The project would be required to comply with all BCDC permit conditions, which typically include requirements to construct, guarantee, and maintain public access to the Bay; specified construction methods to assure safety or to protect water quality; and mitigation requirements to offset the adverse environmental impacts of the project.</p>		
<p>2009 Mitigation Measure I.2d: Best Management Practices (BMPs). The project applicant shall implement standard BMPs to maintain water quality and control erosion and sedimentation during construction, as required by compliance with the General National Pollution Discharge Elimination System (NPDES) Permit for Construction Activities and established by Mitigation Measure D.1 to address impacts on water quality. Mitigation measures would include, but would not be limited to, installing silt fencing along the edges of the project site to protect estuarine waters, locating fueling stations away from potential jurisdictional features, and isolating construction work areas from the identified jurisdictional features. The project applicant shall also implement BMPs to avoid impacts on water quality resulting from dredging activities within the Bay, as identified in the Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) (Corps, 2001). These BMPs include silt fencing and gunderbooms or other appropriate methods for keeping dredged materials from leaving the project site.</p>	On-going during all construction activities on the project site	City of Oakland Bureau of Planning and Bureau of Building; City of Oakland Public Works Department
<p>Mitigation Measure BIO-4: Compensatory Mitigation. The project applicant shall provide compensatory mitigation for temporary impacts to, and permanent loss of, waters of the U.S., including wetlands. Measures shall include but not be limited to 1) onsite mitigation through wetland creation or enhancement and supporting Mitigation and Monitoring Plan, or 2) additional wetland creation or enhancement or offsite mitigation.</p> <p>1) Onsite Mitigation through Wetland Creation or Enhancement. The project applicant shall further enhance the shoreline from Lake Merritt Channel to Clinton Basin. The primary objective of the enhancement shall be to improve the habitat value for shorebirds, gulls, ducks, and other avian life that frequent the area. Components of the restoration plan shall include 1) restoration of the tidal marsh, 2) enhancement of roosting areas for shorebirds and water birds, and 3) increase in habitat diversity. Shoreline enhancements shall include removal of debris, including concrete riprap, and excavation of the shoreline at Channel Park to create marsh vegetation along this area. Excavation shall provide a shoreline slope that falls between the MTL elevation (approximately -2.4 mean sea level) to the MHW”) to allow for the colonization of marsh habitat and the creation of high marsh habitat.</p> <p>Mitigation and Monitoring Program. Prior to the start of construction or in coordination with regulatory permit conditions, the project applicant shall prepare and submit for approval to the City a mitigation and monitoring program to support</p>	On-going during all construction activities on the project site	City of Oakland Public Works Department; City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.I Biological Resources (cont.)		
<p>onsite mitigation. The program shall outline the mitigation obligations for temporary and permanent impacts to waters of the U.S. resulting from construction and/or operation of the small watercraft dock. The program shall include baseline information from existing conditions, anticipated habitat to be enhanced, thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for over-water structures and shading. The Brooklyn Basin Small Watercraft Dock Mitigation and Monitoring Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> Clearly stated objectives and goals consistent with regional habitat goals. Location, size, and type of mitigation proposed. A functional assessment of affected jurisdictional waters to ensure that the EPA's "no net loss of wetland value" standard is met. The functional assessment shall also ensure that the mitigation provided is commensurate with the adverse impacts on Bay resources. The assessment will provide sufficient technical detail in the mitigation project design including an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the mitigation site base map, and/or maintenance techniques. Documentation of performance, monitoring, and adaptive management standards that provide a mechanism for making adjustments to the mitigation site. Performance and monitoring standards shall indicate success criteria to be met within 5 years for vegetation, animal use, removal of exotic species, and hydrology. Adaptive management standards shall include contingency measures that shall outline clear steps to be taken if and when it is determined, through monitoring or other means, that the enhancement or restoration techniques are not meeting success criteria. Documentation of the necessary long-term management and maintenance requirements, and provisions for sufficient funding. <p>-or-</p> <p>2) Additional Wetland Creation or Enhancement or Offsite Mitigation. The project applicant shall negotiate additional compensatory mitigation for temporary and permanent impacts to waters of the U.S. resulting from construction and/or operation of the small watercraft dock with the applicable regulatory agencies. Potential options include the creation of additional wetland acreage onsite or the purchase of offsite mitigation.</p>		
<p>2009 Mitigation Measure I.3: Protection of Fish and Migrating Salmonids. The project applicant shall implement measures for protection of salmonids and Pacific herring during dredging projects and for indirect impacts on the San Francisco Bay "Essential Fish Habitat" (EFH) that are identified in the <i>Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region</i> (LTMS) (Corps, 2001).</p> <p><i>The Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region</i> (LTMS) (Corps, 2001) identifies specific work windows and Best Management Practices (BMPs) to protect salmonids and Pacific herring during dredging projects and to reduce indirect impacts to the San Francisco Bay EFH. The LTMS was developed during formal consultation among the NMFS, USFWS, and CDFG to address impacts on sensitive fisheries and designated critical habitats under their respective jurisdictions and to standardize mitigation for dredging projects. The Biological Opinion (BO) resulting from the LTMS presents specific restrictions on the timing and design of dredging and disposal projects. As the LTMS states, if the dredging project can be accomplished during the identified work windows, the project is authorized for incidental take under the federal Endangered</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring																																																																																																												
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IV.I Biological Resources (cont.)																																																																																																													
<p>Species Act of 1973, as amended. The LTMS serves as the federal and state pathway for determining potential impacts of dredging and dredge disposal projects on fish species, with timing of construction as the single significance criterion.</p> <p>As identified in the LTMS, restricting dredging and other in-water construction activities to the specified work periods would avoid the direct and indirect impacts on juvenile or adult herring or salmonids that would otherwise result from dredging-related increases in turbidity or changes in water quality. Impacts of dredging operations on coho salmon, Chinook salmon, steelhead, and Pacific herring would therefore be less than significant, provided that dredging activities are conducted within the work windows identified in the LTMS. For waters in central San Francisco Bay, the construction work window for dredging activities in Pacific herring habitat is between March 15 and November 30 (Corps, 2001). The dredging work window for salmonid species in central San Francisco Bay is June 1 through November 30. These work windows are summarized in the table below.</p> <p style="text-align: center;">2009 MITIGATION MEASURE I.3 TABLE CONSTRUCTION WORK WINDOWS FOR IN-WATER PILE-DRIVING AND OTHER IN-WATER ACTIVITIES</p> <table border="1"> <thead> <tr> <th rowspan="2">Fish Species</th> <th rowspan="2">Work Activity</th> <th colspan="12">Construction Work Windows for Project Activities, by Month</th> </tr> <tr> <th>Jan</th> <th>Feb</th> <th>Mar</th> <th>Apr</th> <th>May</th> <th>Jun</th> <th>Jul</th> <th>Aug</th> <th>Sep</th> <th>Oct</th> <th>Nov</th> <th>Dec</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Pacific herring</td> <td>Pile-driving</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>(W)</td> <td></td> </tr> <tr> <td>Other In-Water Activities</td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td></td> </tr> <tr> <td rowspan="2">Chinook salmon</td> <td>Pile-driving</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>(W)</td> <td></td> </tr> <tr> <td>Other In-Water Activities</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td></td> </tr> <tr> <td rowspan="2">Steelhead</td> <td>Pile-driving</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>(W)</td> <td></td> </tr> <tr> <td>Other In-Water Activities</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td>W</td> <td></td> </tr> </tbody> </table> <p>“W” indicates work window when the identified construction activities will minimize impacts to fisheries, in accordance with specific guidance provided by the LTMS (USACE, 2001) for dredging and dredge disposal related activities.</p> <p>“(W)” indicates possible work window. Frank Filice with the San Francisco Department of Public Works indicated that a letter from NMFS (on another project) established a June 1 to November 30 work window for pile-driving activities (Filice, personal communication). The actual project construction work window will be determined by the USACE in consultation with NMFS during the permitting phase of the project.</p> <p>Implementation of BMPs and adherence to construction timing as outlined in the LTMS would reduce impacts on special-status fish species. As feasible, BMPs, including silt curtains and gunderbooms, shall be implemented to isolate the work area and prevent silt and sediment from entering the estuary.</p>	Fish Species	Work Activity	Construction Work Windows for Project Activities, by Month												Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Pacific herring	Pile-driving						W	W	W	W	W	(W)		Other In-Water Activities			W	W	W	W	W	W	W	W	W		Chinook salmon	Pile-driving						W	W	W	W	W	(W)		Other In-Water Activities						W	W	W	W	W	W		Steelhead	Pile-driving						W	W	W	W	W	(W)		Other In-Water Activities						W	W	W	W	W	W		<p>On-going during all construction activities on the project site</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>
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Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.I Biological Resources (cont.)		
<p>Potential impacts resulting from pile-driving activities in the estuary would be avoided or reduced to a less-than-significant level by either avoiding pile-driving activities between November 1 and June 1 or assuring that pile-driving would result in noise levels below 150 decibels at 10 meters. Proposed construction work windows for pile-driving activities are also presented in the table below.</p> <p>Any pile-driving work occurring outside of these work windows would be conducted in accordance with NMFS directives and Corps permits to reduce potential impacts on fish species.</p> <p>The quantity of in-water features (such as pilings and pier structures) under the proposed project would be comparable to existing conditions, therefore an increase in the number of predatory fish is not expected. Similarly, the composition of fish species using the shallow-water aquatic habitats is not expected to change following project implementation.</p>		
IV.K Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 19): <i>Lighting</i></p> <p>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	City of Oakland Bureau of Building
IV.M Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 87) <i>Sanitary Sewer System</i></p> <p><u>Requirement:</u> 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.	City of Oakland Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-2 (Standard Condition of Approval 84) <i>Recycling Collection and Storage Space</i></p> <p><u>Requirement:</u> 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 cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
IV.N Greenhouse Gas Emissions		
<p>SCA GHG-1 (Standard Condition of Approval 41): Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist. Requirement. 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.</p> <p>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.</p> <p>b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.</p> <p>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</p> <p>b. During construction</p> <p>c. Ongoing</p>	<p>City of Oakland Bureau of Planning</p>

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