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OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY
Mark P. Wald
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12715 C.M.S.

ORDINANCE REZONING THE 366-UNIT ARCADIA PARK RESIDENTIAL PROJECT SITE, LOCATED AT THE INTERSECTION OF 98TH AVENUE AND SAN LEANDRO STREET, FROM THE M-30 GENERAL INDUSTRIAL ZONE TO THE R-30 ONE-FAMILY RESIDENTIAL ZONE AND R-50 MEDIUM DENSITY RESIDENTIAL ZONE.

WHEREAS, the 27-acre site of the 366-unit Arcadia Park Residential Project (“Project”), located at the intersection of 98th Avenue and San Leandro Street, is currently located in the M-30 General Industrial Zone by the Oakland Zoning Regulations; and

WHEREAS, the intent of the M-30 General Industrial Zone is to create, preserve, and enhance areas containing a wide range of manufacturing and related establishments; and

WHEREAS, according to the Zoning Regulations, residential development is not permitted in the M-30 General Industrial Zone; and

WHEREAS, the Project proposes 366 residential units; and

WHEREAS, the intent of the R-30 One-Family Residential Zone is to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to lower density dwelling areas of the city, and the intent of the R-50 Medium Density Residential Zone is to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and single-family dwellings in desirable settings for urban living, and is typically appropriate to areas of medium density residential development; and

WHEREAS, in accordance with the California Environmental Quality Act (“CEQA”), the City issued a Notice of Preparation (“NOP”), indicating an intent to prepare an *Environmental Impact Report (“EIR”) on the Project*; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the scope of the Draft EIR (“DEIR”) on April 20, 2005; and

WHEREAS, a DEIR on the Project, SCH #2005042026, was released by the City and circulated for public review and comment from July 1, 2005 to August 15, 2005; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the DEIR and the Project on July 20, 2005; and

WHEREAS, the Final EIR (“FEIR”) was published on September 8, 2005; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the FEIR and the Project on September 21, 2005; and

WHEREAS, on September 21, 2005, the Planning Commission certified the EIR and adopted related CEQA findings, approved the application for Planned Unit Development, Tentative Tract Map, Conditional Use Permit, and Variances (collectively called “Development Permits”), recommended approval of a General Plan amendment to the City Council, recommended approval of a Redevelopment Plan amendment to the City Council, and recommended approval of rezoning to the City Council (from M-30 General Industrial Zone to R-30 One-Family Residential Zone and R-50 Medium Density Residential Zone); and

WHEREAS, the Planning Commission found, in part, that the Project is consistent with the proposed rezoning; and

WHEREAS, the Planning Commission also found, in part, that the proposed rezoning is consistent with the overall goals, objectives, and policies of the General Plan in that the proposed rezoning and the Project will foster a healthy, vital, and distinctive residential neighborhood with adequate open space, provide quality housing for a range of incomes, contribute to a thriving, *diverse, and attractive shopping district that provides a variety of goods, services, and entertainment which is oriented to and well served by public transit, pedestrian, and bicycle facilities, support the use of alternative transportation, and promote sustainable residential development and smart growth*; and

WHEREAS, the City Council held a duly noticed public hearing on November 15, 2005; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council on November 15, 2005;

NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:

SECTION 1. The City Council, as the final decision-making body of the lead agency, confirms and adopts (i) the environmental findings made and adopted by the Planning Commission, as set forth in Exhibit A (“CEA Findings”) of this ordinance, prior to taking action on the Project and (ii) the Conditions of Approval and Mitigation Monitoring and Reporting Program attached as Exhibit B of this ordinance; all incorporated by reference herein.

SECTION 2. The designation and location of zones and zone boundaries on the Zoning Map are hereby amended as shown on the map attached to this ordinance as Exhibit C, and adopts the findings of the City Planning Commission, as summarized in the above recitals, as well as findings in the November 15, 2005, City Council Agenda Report.

SECTION 3. The City Council finds that it is necessary, desirable, and in the public interest to amend the Zoning Map for the reasons set forth herein and in the November 15, 2005, City Council Agenda Report.

SECTION 4. The City Council finds and determines that this ordinance complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies.

SECTION 5. The record before this Council relating to this Project application includes, without limitation, the following:

1. the Project application, including all accompanying maps and papers;
2. all plans submitted by the Project applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies, and all related/supporting materials, and all notices relating to the Project application and attendant hearings;
4. all oral and written evidence received by the City staff, City Planning Commission and City Council before and during the public hearings on the application and appeal;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

SECTION 6. The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 2nd floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA..

SECTION 7. If any part of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance, and this Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 8. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

SECTION 9. That, the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

Introduction Date: NOV 15 2005
IN COUNCIL, OAKLAND, CALIFORNIA, DEC 06 2005, 2005

PASSED BY THE FOLLOWING VOTE:


AYES- ~~BROOKS~~, BRUNNER, CHANG, KERNIGHAN, ~~NADIEL~~, ~~GUAN~~, REID,
AND CHAIRPERSON DE LA FUENTE -5

NOES- Nadel - 1

ABSENT- G

ABSTENTION- Guan - 1

Excused - Brooks - 1

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 NOV -2 PM 4:36

ATTACHMENT N

City Ordinance Rezoning the Project Site

EXHIBIT A

CEQA FINDINGS

Arcadia Park Residential Project

(Case File Nos. GP05-331, RZ05-332, PUD05-335, TTM-7640, CMV05-446, and ER05-003)

California Environmental Quality Act (CEQA) Findings for Certification of the EIR:

1. The Draft EIR was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 45 days, was independently reviewed and analyzed by the City Planning Commission and City Council, and reflects the independent judgment of the Planning Commission/ City Council.
2. The Final EIR was properly circulated, independently reviewed and analyzed by the City Planning Commission/City Council and reflects the independent judgment of the Planning Commission/City Council. Such independent judgment is based on review and consideration of the information contained in the Final EIR and on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Final EIR and the administrative record as a whole). The Planning Commission/City Council recognizes that the Final EIR contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Draft EIR, public agency responses to those comments, and refinements to the project description and project alternatives), but that such work does not present significant new information requiring recirculation of the Draft EIR. Such information, revisions, and additional data do not include any new significant environmental impacts that would result from the project or from a new mitigation measure and they do not reflect any substantial increase in the severity of any environmental impact, nor do they propose any additional feasible project alternative or mitigation measure that is materially different from others previously analyzed that would clearly lessen the significant environmental impacts of the project that has not been adopted. No recirculation of the Draft EIR is required. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.
3. The Final EIR and its findings and conclusions are adopted by the City Planning Commission/City Council as its source of environmental information, except where otherwise expressly stated. The Final EIR is legally adequate and was completed in compliance with CEQA and the City's Environmental Review Regulations.

California Environmental Quality Act (CEQA) Findings for Project Approval:

Environmental Impacts

1. The Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Draft and Final EIR, as they may have been modified, and again in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the Project. Four significant and unavoidable impacts related to transportation remain. For these impacts, a statement of overriding considerations will be adopted pursuant to CEQA Guidelines Section 15093 (see below).
2. The approval of the Project complies with CEQA; and the Final EIR was presented to the City Planning Commission/City Council, which reviewed and considered the information contained

therein prior to acting on any of the development approvals for the Project.

3. The Initial Study, included as Appendix A in the Draft EIR, evaluated the proposed Project and found, after an initial review, impacts in the following environmental categories to be less than significant: aesthetics; agricultural resources; biological resources; hydrology and water quality; land use and planning; mineral resources; public services; population and housing; recreation; and utilities and service systems. At the public hearing on April 20, 2005 concerning the scope of the Draft EIR, the Planning Commission decided to include a discussion of potential land use and planning impacts in the Draft EIR.
4. The Initial Study, included as Appendix A in the Draft EIR, evaluated the proposed Project and found, after an initial review, impacts in the following environmental categories to be less than significant with the incorporation of mitigation measures: air quality; cultural resources; and geology and soils.

As detailed below, the Initial Study recommend mitigation measures that, if implemented, would avoid or reduce all of the identified significant effects to less-than-significant levels. These measures are included within the attached Mitigation Monitoring and Reporting Program, and these measures are incorporated into the Conditions of Approval.

Significant but Mitigable Impacts

- **Impact AIR-1:** The project would generate dust during the construction period. Mitigation: The project would be required to comply with guidelines from the Bay Area Air Quality Management District to limit dust emissions during demolition and construction activities.
- **Impact CUL-1:** Construction activities associated with the proposed project have the potential to disturb unknown prehistoric or historic archaeological resources. Mitigation: Prior to construction activities the project sponsor would be required to submit the results of a field survey conducted by a qualified archaeologist to confirm no archaeological deposits exist on the site. If archaeological deposits are encountered during construction activities, the deposits would be evaluated by an archaeologist to determine if the deposits are significant before construction activities resume.
- **Impact CUL-2** Construction activities associated with the proposed project have the potential to disturb unknown paleontological resources. Mitigation: Prior to construction activities the project sponsor would be required to submit the results of a field survey conducted by a qualified archaeologist to confirm no paleontological deposits exist on the site. If paleontological deposits are encountered during construction activities, the deposits would be evaluated by a paleontologist to determine if the deposits are significant before construction activities resume.
- **Impact CUL-3:** The records search indicated that the project area is situated along former Bay marsh margins, an area considered sensitive. In addition, CA-ALA-52, a Native American archaeological site, is located either adjacent or within the immediate vicinity of the project area. Given the environmental setting and the archaeological sensitive nature of the immediate area, there is a moderate potential for Native American sites in the project area which could be disturbed by the project. Mitigation: Prior to construction activities the project sponsor would be required to submit the results of a field survey conducted by a qualified archaeologist to confirm

no archaeological deposits exist on the site. If archaeological deposits are encountered during construction activities, the deposits would be evaluated by an archaeologist to determine if the deposits are significant before construction activities resume.

- **Impact GEO-1:** The Geotechnical Investigation completed for the project found that strong ground shaking could be expected at the project site during moderate to severe earthquakes in the general region, which is the situation for virtually all developments in the San Francisco Bay Area. Mitigation: The project would be required to comply with all recommendations contained in the geotechnical report submitted by the applicant (Geotechnical Investigation prepared by Lowney Associates dated June 15, 2004).

The identified mitigation measures contained in the DEIR and FEIR, as they may be revised, would, for the reasons stated in the DEIR and/or FEIR, reduce the above five impacts to less than significant levels. The detailed reasons and analysis contained in the DEIR and FEIR are hereby adopted and incorporated by reference as if fully set forth herein.

5. The EIR evaluated the proposed Project and found impacts in the following environmental category to be less than significant: land use and planning. All the reasons stated in the DEIR, as well as the responses to comments in the FEIR, as to why the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.
6. The EIR evaluated the proposed project and found impacts in the following environmental categories to be less than significant with the incorporation of mitigation measures: hazards and hazardous materials; noise; and transportation and circulation. All the reasons stated in the Draft EIR, as well as the responses to comments in the Final EIR, as to the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.

As detailed below, the EIR recommended mitigation measures that, if implemented, would avoid or reduce the identified significant effects to less-than-significant levels. These measures are included within the attached Mitigation Monitoring and Reporting Program, and these measures are incorporated into the Conditions of Approval.

Significant but Mitigable Impacts

- **Impact Traffic-2:** During the peak construction period, the project would employ a maximum of 125 workers on a daily basis and require a maximum of 50 daily truck trips (25 inbound and 25 outbound) to haul material. This level of activity results in approximately 300 daily trips, 131 AM peak hour trips, and 131 PM peak hour trips. Mitigation: Prior to the issuance of a demolition, grading, or building permit, the Project sponsor shall submit a traffic management plan (TMP) to the City for review and approval.
- **Impact Traffic-3:** Several intersections within the site are not completely perpendicular or are slightly offset. At these locations, vehicles may be unable to clearly determine right-of-way, leading to the potential for accidents. Mitigation: Implement traffic control features (stop signs) for these intersections.
- **Impact Traffic-4:** The easternmost project driveway on 98th Avenue is offset (not directly across) from the existing Gould Street by about 75 feet. Offset intersections can be dangerous and are an undesirable design due to the vehicle conflicts that are created. Mitigation: Restrict movements at the eastern-most driveway along 98th Avenue to right-turn in/right-turn out

movements.

- **Impact Traffic-5** The project would cause the intersection of San Leandro Street/98th Avenue to worsen from LOS D under Year 2010 conditions without the project to LOS E. Mitigation: Prior to project occupancy, the project sponsor shall re-stripe San Leandro Street at 98th Avenue to provide exclusive northbound and southbound right-turn lanes.
- **Impact NOISE 1:** The existing noise environment at the project site ranges from 62 dBA to 82 dBA L_{dn} which would cause interior sound levels to be higher than the required 45 dBA L_{dn}. Mitigation: All exterior walls exposed to a DNL of 60 dBA or greater shall be constructed with a Sound Transmission Class (STC) rating of 47. A qualified acoustical consultant shall review the design as it is developed to refine the specific STC ratings once the building design and site layout have been finalized through City review and approval of final design. Since the windows facing 98th Avenue and San Leandro Street will have to be closed in order to achieve the interior noise criteria, an alternate means of providing outside air to habitable spaces (ventilation or air conditioning) is required for facades exposed to an exterior dNL of 60 dBA or greater.
- **Impact NOISE- 2:** Construction and remediation noise levels would reach 80 to 90 dBA at a distance of 50 feet. Some activities, such as excavation would exceed these noise levels. Mitigation: Construction hours would be restricted to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise-generating activities limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. No construction activities would be allowed on weekends except within an enclosed building, and no extreme noise-generating activities would be allowed on weekends or holidays. Additional measures to reduce construction noise such as utilizing noise control devices on equipment and tools and installing a temporary plywood noise barrier around the site would be required. The applicant would also be required to submit measures to respond to and track complaints pertaining to noise generated during construction.
- **Impact NOISE-3:** Although the vibration produced by the BART trains was not found to be perceptible to future residents, the Union Pacific trains could produce vibrations that could be felt in the homes closest to San Leandro Street. Mitigation: The project sponsor shall retain an acoustical engineer during design to review and provide input to reduce the potential of vibration amplification on upper floors of the residences. Typical recommendations would include minimizing long spans, increasing joist depths, stiffening the structure, etc. Prospective residents shall be made aware of the train line through a full disclosure statement. These recommendations on the final design would be subject to City review and approval.
- **Impact HAZ-1:** The proposed project is a residential development that would not include the routine use, transport, or disposal of hazardous materials. No hazardous materials would be stored on-site in support of the proposed development, other than typical residential-related home care products. A Phase I Site Assessment Report was prepared by Geomatrix Consultants in July 2004 which identified a number of contaminants related to past uses of the site as the Fleischman's yeast plant and trucking facilities. The contaminants include lead, mercury, petroleum hydrocarbons and underground storage tanks. Geomatrix Consultants conducted

additional soil and groundwater sampling at over 50 locations across the site in July 2004 and September 2004, and their subsequent reports recommended actions that should be taken before reconstruction of the site can begin. Mitigation: Mitigation: The applicant would be required to obtain approval of a Health and Safety Plan that includes provisions for worker safety during construction and obtain approval for remediation plans for on-site contaminants.

- **Impact HAZ2:** Existing buildings could contain asbestos containing materials or lead-based paint. These materials require removal prior to any demolition activities in accordance with the Bay Area Air Quality Management District's (BAAQMD) Regulation 11, Rule 2. Mitigation: All asbestos containing materials (ACMs) and lead-based paint shall be removed from the site prior to the start of any demolition activities. The removal of ACMs shall be conducted by a licensed asbestos abatement firm in accordance with the BAAQMD's Regulation 11, Rule 2.
7. The EIR evaluated the proposed project and found impacts in the following environmental category to be significant and unavoidable: transportation and circulation. The EIR conservatively identified four significant unavoidable impacts from the proposed project.

Significant Unavoidable Impacts

- **Impact Traffic-1:** The Project would contribute 166 vehicles to the intersection of International Boulevard and 92nd Avenue during the PM peak hour, causing the intersection to meet the Caltrans peak hour volume warrant. Mitigation: After 25 percent occupancy of the Project, the Project sponsor will perform a detailed traffic signal warrant evaluation (i.e., evaluate all eight warrants in the MUTCD) to establish a clear need for a traffic signal subject to City review and approval. If the traffic signal is warranted based on a detailed evaluation, the Project sponsor will pay for the installation of a traffic signal at this location at that time. If a signal is not warranted based on a detailed evaluation, the Project Sponsor shall conduct another detailed evaluation once the project reaches 90 percent occupancy. If a signal is warranted and installed, the impact would be reduced to a less than significant level. Installation of the traffic signal is subject to review and approval by Caltrans. If Caltrans does not approve the installation of a traffic signal, this impact remains significant and unavoidable.
- **Impact Traffic-6** Under 2010 conditions, the project would contribute more than 4 seconds of average delay to the Intersection of International Boulevard/98th Avenue. Mitigation: Prior to project occupancy, the project sponsor shall stripe an exclusive 100-foot northbound right-turn lane on International Boulevard. With the new striping, the impact would be reduced to a less than significant level. The striping is subject to review and approval by Caltrans. If Caltrans does not approve the striping, this impact remains significant and unavoidable.
- **Impact Traffic-7** Under 2025 conditions, the project would contribute more than two seconds of average delay to the intersection of San Leandro Street/98th Avenue, and would contribute seven percent of the cumulative traffic increase at the intersection. Mitigation: Implementation of restriping on San Leandro Street would reduce the LOS to E (from F) and average delay from 81 seconds (without project) to 60 seconds (with project). However, because the project would continue to contribute more than five percent of the future traffic delay, the impact would remain significant and unavoidable. Prior to issuance of certificates of occupancy, the project sponsor

would also be required to prepare a Travel Demand Management (TDM) plan for the project containing a variety of demand management measures including the installation of directional signs at project egress points identifying the locations of local transit stops (Bus and BART). The posting of directional signs has not been shown to generally have a reliably quantifiable effect on the use of alternative travel modes. This mitigation measure would therefore not have a quantifiable impact on the future levels of service identified in the Draft EIR. The significant unavoidable impacts identified in the Draft EIR would be expected to remain significant and unavoidable. Additional mitigation, such as widening this intersection to provide additional capacity, would be infeasible because of the intersection's proximity to the concrete columns supporting the BART tracks and to the surrounding uses.

- **Impact Traffic-8** Under 2025 conditions, the project would contribute seven seconds of delay to the intersection of International Boulevard/98th Avenue, and would contribute nine percent of the cumulative traffic increase at the intersection. Mitigation: Implementation of the restriping of a new northbound right-turn lane on International Boulevard (as discussed above in Impact Traffic-6) would partially mitigate this impact, however, it would remain significant and unavoidable under both the Project and Cumulative scenarios. The striping is subject to review and approval by Caltrans. If Caltrans does not approve the striping, this impact would increase and would remain significant and unavoidable.

Alternatives

The EIR identified a reasonable range of project alternatives. The Draft EIR and Final EIR identified and analyzed the four following alternatives to the proposed Project:

- Alternative 1 – No Project
- Alternative 2 – New Industrial/Retail Development
- Alternative 3 – Reduced Density
- Alternative 4 – Light Industrial

As presented in the Draft EIR and Final EIR, the alternatives were described and compared with each other and with the proposed Project. Alternative 3 (Reduced Density) is the environmentally superior alternative.

Each of the alternatives is rejected as infeasible for the reasons outlined below. Each individual reason presented constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

Alternative 1 (No Project) would not result in any environmentally adverse impacts. However, the implementation of this alternative would not meet any of the project sponsor's objectives as stated in Chapter II of the Draft EIR and would not meet any of the objectives of the Oakland General Plan and other City plans and policies. This alternative would not provide any new housing units, the site would remain vacant and underutilized, and no remediation of hazardous materials would occur. For each of these reasons, this alternative is rejected as infeasible.

Alternative 2 (New Industrial/Retail Development) would result in more environmentally adverse impacts than the proposed Project. Implementation of this alternative would not meet any of the project

sponsor's objectives as stated in Chapter II of the Draft EIR. For each of these reasons, this alternative is rejected as infeasible.

Alternative 3 (Reduced Density) would not result in any significant unavoidable impacts. However, the implementation of this alternative would reduce the number of housing units in the Project. Therefore, the Project would not be financially feasible for the Project sponsor and would not be as effective as the proposed Project in implementing local and state housing policies. Reducing the density of the Project does not provide for a compact in-fill development that efficiently uses land as encouraged by the Land Use and Transportation Element and Housing Element of the Oakland General Plan. The Project site is located in an urbanized area and is well-served by urban infrastructure. The reduced density would equate to approximately 3.7 dwelling units per gross acre, resulting in an extremely low residential density more common in environmentally sensitive hillside areas of Oakland and in suburban communities on the fringe of the Bay Area metropolitan region. The resulting density would be well below the typical residential density for an urbanized location. The reduced density would not be as effective in implementing state policy which encourages compact, residential in-fill development in urbanized areas to support employment growth, reduce the current imbalance between jobs and housing, reduce urban sprawl, reduce commute times, and promote clean air policies. Reducing the population of the Project also reduces the ability of the Project to expand the consumer base for neighborhood businesses thereby reducing the potential to encourage economic revitalization in the area as encouraged by the Land Use and Transportation Element of the Oakland General Plan. For each of these reasons, this alternative is rejected as infeasible.

Alternative 4 (Light Industrial) would result in more environmentally adverse impacts than the Project. Implementation of this alternative would not meet all of the project sponsor's objectives as stated in Chapters III and V of the Final EIR. For each of these reasons, this alternative is rejected as infeasible.

Statement of Overriding Considerations

The significant, unavoidable impacts of the Project are determined to be acceptable in light of the important benefits of the project as described below. Each of the benefits separately set forth herein would separately and independently outweigh each and every significant and unavoidable impact of the Project. The following reasons explain why approval of the Project is warranted despite the previously described significant, adverse, unavoidable impacts:

- A. Advancing Goals of Oakland General Plan.** The Project, including the proposed amendment to the General Plan land use map, advances and conforms with the Oakland General Plan's goals, policies, and objectives. The proposed project furthers the goals of the Land Use and Transportation Element and Housing Element by facilitating new housing construction on an infill site. The Project will result in the creation of 366 new for-sale housing units in a range of types and sizes thereby increasing home ownership in the city for a range of incomes as encouraged by the General Plan.
- B. Redevelopment of Underutilized Parcel.** The Project will redevelop an underutilized site with a development that is well-designed and attractive.
- C. Neighborhood Improvement.** The Project will improve the quality of life of the residents of the existing residential neighborhood located immediately to the east of the site by replacing the existing industrial use of the property with a development that is more compatible with the residential neighborhood.
- D. Commercial Revitalization.** The Project will encourage economic revitalization of the Elmhurst

commercial district on International Boulevard by increasing the population in the immediate area thereby expanding the consumer base for neighborhood businesses.

- E. Job Creation.** The Project will create temporary construction-related jobs in the short-term which will create both immediate and secondary benefits for the local economy and workforce.
- F. Revenue Generation.** The Project will enhance the quality of life in the nearby residential neighborhood thereby making the neighborhood a more desirable place to live and, in turn, increasing revenue to the City in the form of increased property taxes and real estate transfer taxes. The increased population in the area will encourage economic revitalization thereby expanding the sales tax base of the city.
- G. Advancing State and Regional Policy of Providing In-fill Housing:** Pursuant to California Government Code Section 65589.5(c), the Planning Commission acknowledges that this development is consistent with the State Legislature's policy of discouraging the premature and unnecessary conversion of prime agricultural lands to urban uses and instead in-filling existing urban areas with residential development. The proposed infill development is located within an urbanized area of Oakland where existing public utilities, public transit, and other necessary services are fully available to meet the needs of the project. Thus, this project fulfills the Legislature's, the Bay Area region's, and the City of Oakland's goals of supporting employment growth, reducing the current imbalance between jobs and housing, reducing urban sprawl, reducing the need for employees to commute long distances between their job and their residence, and promoting clean air policies by approving residential projects which are located near public transit.

Mitigation Monitoring

The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the Mitigation Monitoring and Reporting Program incorporated into the Conditions of Project approval. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of the CEQA Guidelines. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland, the applicant, or other identified public agencies of responsibility.

EXHIBIT B

CONDITIONS OF APPROVAL & MITIGATION MONITORING AND REPORTING PROGRAM

Arcadia Park Residential Project

(Case File Nos. GP05-331, RZ05-332, PUD05-335, TTM-7640, CMV05-446, and ER05-003)

This approval is subject to the following conditions (struck-out language is hereby deleted, and underlined language is hereby added, to the City Planning Commission approval dated September 21, 2005):

STANDARD CONDITIONS:

1. Approved Use

a. Ongoing

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on **May 17, 2005 (site improvement plans), May 20, 2005 (tentative map), and August 17, 2005 (revised building elevation drawings)** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

2. Effective Date, Expiration, and Extensions

a. Ongoing

This approval shall become effective upon satisfactory compliance with these conditions. This approval shall expire on **December 6, 2007, ~~September 21, 2007,~~** unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Director of Development may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. Scope of This Approval; Major and Minor Changes

a. Ongoing

The project is approved pursuant to the Planning Code and Subdivision Regulations only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division, the Fire Marshal, and the Public Works Agency. Minor changes to approved plans may be approved administratively by the Director of Development; major changes shall be subject to review and approval by the City Planning Commission.

4. Modification of Conditions or Revocation

a. Ongoing

The City ~~Planning Commission~~ reserves the right, after notice and public hearing, to alter the Conditions of Approval or revoke this approval if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulations, or guidelines, or causing a public nuisance.

5. Reproduction of Conditions on Building Plans

a. Required prior to issuance of building permit

These Conditions of Approval shall be attached to any plans submitted for a building permit for this project.

6. Indemnification

a. Ongoing

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

7. Waste Reduction and Recycling

a. Required prior to issuance of a building or demolition permit

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of the Public Works Agency for more information.

8. Recycling Space Allocation Requirements

a. Required prior to issuance of building permit

The design, location, and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas," Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit.

SPECIFIC CONDITIONS:

9. Rezoning, General Plan Amendment, and Redevelopment Plan

a. Required prior to approval becoming effective

This approval shall not become effective unless the Zoning Map, General Plan Land Use Map, and Land Use Map of the Coliseum Area Redevelopment Pan are amended by the City Council as proposed. The City Council has the authority to consider and revise as appropriate (accept, reject or modify) the adjudicatory land use decisions of the City Planning Commission (including variances, conditional use permit, and planned unit development permit), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

10. Mitigation Monitoring and Reporting Program

a. Required at various times as stated

All environmental mitigation measures shall be implemented as conditions of approval in accordance with the attached Mitigation Monitoring and Reporting Program.

11. Streets

a. Required at the time of Final Map approval

All the streets in the development shall be offered for dedication to the City as public streets. In the event that the City Council does not accept the streets for dedication, public access easements shall be recorded over all streets in the development.

12. Parks and Open Space

a. Required at the time of Final Map approval

All common areas and open space in the development, excluding streets, shall be privately owned and maintained by the homeowners association. Public access easements shall be recorded over lots C, D, E, F, G, H, J, K, L, N, and O, which are to be reserved for park and recreation use. Lot P shall be eliminated and consolidated as private space into the adjacent residential lots.

b. Concurrent with the submittal for the site improvement plans

The applicant shall submit a common area landscaping plan for approval by the Planning and Zoning Division. The landscaping plan shall show the proposed landscaping for all common areas in the development and shall contain the following:

- 1) Landscaping details, such as planting types, sizes, and quantities, surfaces, landscape features and structures, and all perimeter fencing and walls.
- 2) Irrigation details.
- 3) Lots C, D, E, F, G, H, J, K, L, N, and O, are to be designed for park and recreation use.
- 4) Lots A, B, I, and M are to be designed as landscaped areas not to be occupied.
- 5) Lot C shall contain a pedestrian walkway connected to the public sidewalk on Elmhurst Avenue.
- 6) Linear parks shall be designed so that individual park spaces to be used by similar age groups are clustered near one another to discourage children from crossing multiple streets when traveling to and from park areas.
- 7) Proposed landscaping in all open spaces shall be designed to maintain clear lines of sight into the interior of the space from nearby residences and streets.
- 8) Proposed landscaping shall be primarily drought-tolerant.
- 9) A public kiosk or similar community notice board shall be placed in one of the parks located near the center of the development. This kiosk is to be used for displaying community-related information and shall be maintained and managed by the homeowners association. A portion of the kiosk shall be reserved for use by the homeowners association. The remainder of the kiosk shall be reserved for use by the general public. Rules adopted by the homeowners association to regulate the use of the public portion of the kiosk shall be reviewed and approved by the Planning and Zoning Division. The location and design of the kiosk shall be included on the landscaping plan.
- 10) A historical marker shall be located in one of the parks. The marker shall provide information to the general public on the history of the site. The location, design, and contents of the marker shall be included on the landscaping plan.

c. Required prior to occupancy

The applicant shall submit the following for review and approval by the Planning and Zoning Division:

- 1) Landscaping maintenance plan.
- 2) Park rules for the use of park spaces.
- 3) Enforcement plan for enforcing the park rules.

d. Ongoing

Landscaping maintenance and the enforcement of park rules are the responsibility of the homeowners association. Landscaping shall be maintained in a healthy condition.

13. Perimeter Walls

a. Concurrent with the submittal for the site improvement plans

The design of all walls proposed for the perimeter of the site shall be reviewed and approved by the Planning and Zoning Division. The wall proposed for the perimeter of the site along 98th Avenue shall be no more than 6 feet in height. This wall shall be designed with high-quality

materials and finishes and landscaping at the base of the wall, and shall be designed to provide for privacy for the residents of the project while maintaining visual transparency and visual interest. The wall proposed for the perimeter of the site where the project abuts industrially zoned properties shall be 8 feet in height. This wall shall be designed with high-quality materials and finishes and landscaping at the base of the wall, and shall be designed to provide for noise insulation between the site and adjacent properties while maintaining visual interest.

14. Stormwater Management

a. *Concurrent with the submittal for the site improvement plans*

The drawings submitted with the site improvement plans shall contain a stormwater management plan to be reviewed and approved by the Building Services Division and Planning and Zoning Division that contains the following information:

- 1) Post-construction on-site stormwater treatment measures, site design measures, and stormwater pollution source control measures to reduce the discharge of stormwater pollutants to the maximum extent practicable in accordance with Provision C.3 of the Alameda Countywide Clean Water Program's National Pollutant Discharge Elimination System (NPDES) permit.
- 2) Post-construction stormwater controls to reduce the volume and velocity of stormwater runoff to the maximum extent practicable. Stormwater shall be retained on-site in compliance with the City's stormwater regulations.

b. *Prior to the approval of site improvement plans*

The applicant shall file a Notice of Intent with the Regional Water Quality Control Board, San Francisco Region, to obtain coverage under the General Construction Activity Stormwater Permit. The applicant will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that identifies appropriate construction-related best management practices (BMPs) to reduce stormwater pollution during construction.

c. *Prior to occupancy*

The applicant shall enter into an agreement with the City, in accordance with Provision C.3 of the Alameda Countywide Clean Water Program's NPDES permit, which provides, in part, for the project sponsor (i) accepting responsibility for the adequate operation and maintenance of any post-construction on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and (ii) permitting access to the post-construction on-site stormwater treatment measures by 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 operation and maintenance of the post-construction on-site stormwater treatment measures. The agreement shall be recorded at the County Recorder's Office at the project sponsor's expense.

15. Architectural Design

a. *Concurrent with the submittal for building permits*

The drawings submitted for a building permit shall contain the following information to be reviewed and approved by the Planning and Zoning Division:

- 1) Window trim, measuring a minimum one inch thick by three inches wide, is required around all windows on all elevations of all buildings.
- 2) Measures shall be taken to reduce the visual impact of all garages. Each garage shall be designed with glazing along the top portion of the garage door, shall be recessed a minimum of eight inches from the surrounding building wall surface, and shall incorporate architectural detailing, such as trim or a trellis.
- 3) All driveways shall be paved with decorative paving materials or bands to reduce their visual impact.

16. Lot Landscaping

a. Concurrent with the submittal for building permits

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The drawings submitted for a building permit shall contain a landscaping plan for the landscaping of each lot to be reviewed and approved by the Planning and Zoning Division. The landscaping plan shall contain the following information:

- 1) Landscaping details, such as proposed planting types, sizes, and quantities and proposed fencing.
- 2) The landscaping plan shall cover the entire front yard area of the lot.
- 3) Irrigation details.
- 4) The proposed landscaping shall be primarily drought-tolerant.

17. Homeowners Association

a. Prior to occupancy

A homeowners association (HOA) is required for the development. The proposed covenants, codes and restrictions (CC&Rs) for the HOA shall be reviewed and approved by the Planning and Zoning Division. The CC&Rs, or other equivalent instrument, shall clearly identify, at a minimum, the maintenance and enforcement responsibilities of the homeowners.

18. Noise Covenant

a. Required at the time of Final Map approval

A noise covenant shall be provided for the proposed residential lots that abut the property located at 1025 98th Avenue (i.e., Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113) acknowledging that the current business operating on the abutting property (i.e., Pacific Paper Tube) has the right to continue its current operational characteristics. A second noise covenant shall be provided for the proposed residential lots located adjacent to the property located at 850 92nd Avenue acknowledging that the current business operating at 850 92nd Avenue (i.e., Fast Lane Transportation) has the right to continue its current operational characteristics. The language of the covenants and the specific lots subject to the second noise covenant shall be submitted to the Director of Development for approval prior to the recordation of the Final Map. [Note: Underlined language within this condition of approval was added by the City Council at the public hearing dated November 15, 2005.]

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
A. TRANSPORTATION/CIRCULATION			
<p>Mitigation Traffic-1: After 25 percent occupancy of the project, the project sponsor shall perform a detailed traffic signal warrant evaluation (i.e., evaluate all eight warrants in the MUTCD) to establish a clear need for a traffic signal subject to City review and approval. If the traffic signal is warranted based on a detailed evaluation, the project sponsor shall pay for the installation of a traffic signal at this location at that time. If a signal is not warranted based on a detailed evaluation, the project sponsor shall conduct another detailed evaluation once the project reaches 90 percent occupancy. If Caltrans does not approve the installation of a traffic signal, this impact would remain significant and unavoidable.</p>	<p>Prior to issuance of certificates of occupancy, the applicant and City shall determine a likely schedule for 25% occupancy (applicant may have already pre-sold or rented units.)</p> <p>Project sponsor shall submit a copy of the signal warrant evaluation to the City Public Works Agency, Transportation Services Division, for review.</p>	<p>The City Public Works Agency, Transportation Services Division, shall review the signal warrant evaluation and shall direct the installation of a signal if warranted.</p> <p>City shall be responsible for coordination with Caltrans.</p>	<p>At 25% occupancy, and again at 90% occupancy, if required.</p>
<p>Mitigation Traffic-2: Prior to the issuance of a demolition, grading, or building permit, the project sponsor shall submit a traffic management plan (TMP) to the City for review and approval. The TMP shall include the following elements: A map documenting that material and equipment staging and storage locations for all phases of construction will be within the project site. A map documenting that worker parking locations for all phases of construction will be within the project site.</p>	<p>Project Sponsor</p>	<p>City – Planning and Zoning Division</p>	<p>Prior to issuance of demolition, grading, or building permit.</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Signage plans relating to any temporary road closures on public streets. Notification procedures for adjacent businesses, residents, property owners and public safety personnel for all major deliveries, detours, and land and/or street closures that will affect traffic in the vicinity of the project. Provisions for monitoring surface streets used for truck routes so that any damage and debris attributable to the trucks can be identified and corrected. Signage plans documenting any detours for bicycle and pedestrian traffic. Routing plans for remediation and/or construction vehicles and remediation and/or construction equipment from the project site to I-880.</p>			
<p>Mitigation Traffic-3: Implement the traffic control features (stop signs) as noted for intersection shown in Figure 9 of the Draft EIR.</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of certificates of occupancy.</p>
<p>Mitigation Traffic-4: Restrict the easternmost project driveway access from 98th Avenue to right-turn in/right-turn out movements using raised channelization islands.</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of certificates of occupancy.</p>
<p>Mitigation Traffic-5: Prior to project occupancy, the project sponsor shall re-stripe San Leandro Street at 98th Avenue to provide exclusive southbound right-turn lanes. The right-turn lanes should be at least 200 feet in length.</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of certificates of occupancy.</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Mitigation Traffic-6: Prior to project occupancy, the project sponsor shall stripe an exclusive 100-foot northbound right-turn lane on International Boulevard.</p>	<p>Project Sponsor</p>	<p>City – Building Services Division</p> <p>City shall be responsible for coordination with Caltrans</p>	<p>Prior to issuance of certificates of occupancy.</p>
<p>Mitigation Traffic-7: Implementation of the proposed restriping on San Leandro Street as part of mitigation measure 5 would reduce the LOS to E (from F) and average delay from 81 (without project) to 60 seconds (with project). However, because the project would continue to contribute more than 5% of the future traffic delay, the impact identified under Criterion 7 would remain significant and unavoidable.</p>	<p>Covered by implementation of mitigation measure 5</p>	<p>Covered by implementation of mitigation measure 5</p>	<p>Covered by implementation of mitigation measure 5.</p>
<p>Mitigation Traffic-8: Implementation of the restriping of a new northbound right-turn lane on International Boulevard as required by Mitigation Traffic-6 would partially mitigate this impact; however, it would remain significant and unavoidable under both the Project and Cumulative scenarios.</p>	<p>Covered by implementation of mitigation measure 6</p>	<p>Covered by implementation of mitigation measure 6</p>	<p>Covered by implementation of mitigation measure 6</p>
<p>Mitigation Traffic 9: Prior to issuance of certificates of occupancy, the project sponsor shall prepare a TDM plan for the project containing a variety of measures including</p>	<p>Project Sponsor</p>	<p>City – Planning and Zoning Division</p>	<p>Prior to issuance of certificates of occupancy.</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
the installation of directional signs at project egress points identifying the locations of local transit stops (Bus and BART).			
B. HAZARDOUS AND TOXIC SUBSTANCES			
<p>Mitigation HAZ 1.1: Prior to the issuing of any grading, demolition, or building permits for the project, a site specific Health and Safety Plan (HSP) shall be prepared by a qualified industrial hygienist. At a minimum, the HSP shall summarize information collected in <i>environmental investigations for the project site</i>, including soil and groundwater quality data; establish soil and groundwater mitigation and control specifications for <i>grading and construction activities, including health and safety provisions for monitoring exposure to construction workers</i>; provide procedures to be undertaken in the event that previously unreported contamination is discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the HSP. The HSP shall be designed to prevent potential exposures to construction workers above the established OSHA Permissible Exposure Limits. This plan shall be</p>	Project Sponsor	City - Building Services Division	Prior to issuance of demolition, grading, or building permit.

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
submitted to the City of Oakland for review and acceptance prior to the issuance of a building permit.			
Mitigation HAZ 1.2: 854 92nd Avenue: The project sponsor will work with the designated agency to remediate the elevated levels of lead identified during on-site soil sampling. Remediation activities will likely include excavation of lead-affected soil and off-site disposal at an appropriate hazardous waste facility. The project sponsor shall obtain regulatory closure from the designated agency for this property for the proposed residential reuse of the site.	Project Sponsor	City - Building Services Division	Prior to issuance of demolition, grading, or building permit.
Mitigation HAZ 1.3: 860 92nd Avenue: Although the USTs previously received regulatory closure from the ACHCSA, this action was based on continued industrial use of the site. The project sponsor shall obtain regulatory approval from the designated agency for residential reuse. The agency may request additional soil, groundwater, or vapor sampling prior to approval for residential use. If sampling is conducted and impacts are identified that may cause a risk to future residents, the project sponsor will work with the designated agency to remediate or mitigate those impacts.	Project Sponsor	City - Building Services Division	Prior to issuance of demolition, grading, or building permit.

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Mitigation HAZ 1.4: 921 98th Avenue: The project sponsor shall receive approval from the designated agency for the proposed residential reuse of the site. This will include addressing issues regarding the USTs that have been closed based on industrial site use and the USTs that have not obtained closure. The agency may request additional soil, groundwater, or vapor sampling prior to approval for residential use. If sampling is conducted and impacts are identified that may cause a risk to future residents, the project sponsor will work with the designated agency to remediate or mitigate those impacts. Additionally, the deep water well should be properly abandoned under the oversight of the appropriate agency.</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of demolition, grading, or building permit.</p>
<p>Mitigation HAZ 1.5: 999 98th Avenue: The project sponsor shall decommission the two sumps located on this property under appropriate regulatory oversight. If required by the oversight agency, the project sponsor shall implement additional soil and groundwater testing as directed by the oversight agency to confirm that the</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of demolition, grading, or building permit.</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
sumps have not impacted site soil and groundwater. If impacts to site soil and groundwater are present, the project sponsor shall work with the designated agency to obtain approval for the proposed residential reuse of the property.			
Mitigation HAZ 2: All asbestos containing materials (ACMs) and lead-based paint shall be removed from the site prior to the start of any demolition activities. The removal of ACMs shall be conducted by a licensed asbestos abatement firm in accordance with the BAAQMD's Regulation 11, Rule 2.	Project Sponsor	City - Building Services Division	Prior to issuance of demolition, grading, or building permit.
C. AIR QUALITY			
<p>Mitigation Measure AIR-1: The following measures should be included in remediation and construction contracts to control fugitive dust emissions:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at 	Project Contractors	City - Building Services Division	Throughout the remediation and construction period.

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Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>least two feet of freeboard.</p> <ul style="list-style-type: none"> • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at remediation and construction sites. • Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. • Hydroseed or apply non-toxic soil stabilizers to inactive remediation and construction areas. • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. 			
D. NOISE			

CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Mitigation Measure NOISE-1: All Exterior walls exposed to a DNL of 60 dBA or greater shall be constructed with a Sound Transmission Class (STC) rating of 47. A qualified acoustical consultant shall review the design as it is developed to refine the specific STC ratings once the building design and site layout have been finalized through City review and approval of final design. Since the windows facing 98th Avenue and San Leandro Street will have to be closed in order to achieve the interior noise criteria, an alternate means of providing outside air to habitable spaces (ventilation or air conditioning) is required for facades exposed to an exterior dNL of 60 dBA or greater.</p>	<p>Project Sponsor and Contractors</p>	<p>City - Building Services Division</p>	<p>During design review and construction.</p>
<p>Mitigation Measure NOISE-2.1: The project sponsor shall require remediation and/or construction contractors to limit standard remediation and/or construction activities as required by the City Building Services Division. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No remediation and/or construction activities shall be allowed on weekends until</p>	<p>Project Sponsor and Contractors</p>	<p>City - Building Services Division</p>	<p>Throughout the demolition and construction period</p>

CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>after the building is enclosed, and no extreme noise-generating activities shall be allowed on weekends and holidays.</p>			
<p>Mitigation Measure NOISE-2.2: To reduce daytime noise impacts due to remediation and/or construction activities, the project sponsor shall require construction contractors to implement the following measures:</p> <ul 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). • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the 	<p>Project Sponsor and Contractors</p>	<p>City - Building Services Division</p>	<p>Throughout the demolition and construction period</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p> <ul style="list-style-type: none"> Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible. 			
<p>Mitigation Measure NOISE-2.3: To further mitigate potential extreme noise generating construction and remediation impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing remediation or construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> Erect temporary plywood noise barriers around the construction site to shield adjacent uses. 	<p>Project Sponsor and Contractors</p>	<p>City - Building Services Division</p>	<p>Prior to issuance of demolition, grading, or building permit.</p>

CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<ul style="list-style-type: none"> • 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. • Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site. • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings. • Monitor the effectiveness of noise attenuation by taking noise measurements. 			
<p>Mitigation Measure NOISE-2.4: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to noise generated during the remediation and construction periods. These measures shall include the following elements:</p> <ul style="list-style-type: none"> • A procedure for notifying the City Building 	Project Sponsor	City - Building Services Division	Prior to issuance of demolition, grading, or building permit.

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Division staff and Oakland Police Department.</p> <ul style="list-style-type: none"> • A plan for posting signs on-site pertaining to permitted remediation/construction days and hours and complaint procedures and who to notify in the event of a problem. • A listing of telephone numbers (during regular construction hours and off-hours). • The designation of an on-site remediation/construction complaint manager for the project. • Notification of neighbors within 300 feet of the project remediation/construction area at least 30 days in advance of pile-driving and/or other extreme noise-generating activities about the estimated duration of the activity. • A pre-remediation and pre-construction meeting shall be attended by job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 			

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Mitigation Measure NOISE-3: The project sponsor shall retain an acoustical engineer during design to review and provide input to reduce the potential of vibration amplification on upper floors of the residences. Typical recommendations would include minimizing long spans, increasing joist depths, stiffening the structure, etc. Prospective residents shall be made aware of the train line through a full disclosure statement. These recommendations on the final design would be subject to City review and approval. Therefore, this impact would be less than significant.</p>	<p>Project Sponsor</p>	<p>City - Building Services Division</p>	<p>During design review.</p>
<p>E. CULTURAL</p>			
<p>Mitigation Measure CUL-1: Pursuant to the recommendation of the California Historical Resources Information System, prior to the issuance of grading permits, the project sponsor shall submit to the City the results of either 1) a pedestrian survey conducted by a qualified archaeologist; or 2) the results of augering conducted by a qualified archaeologist. If evidence of</p>	<p>Project Sponsor</p>	<p>City-Planning and Zoning Division</p>	<p>Prior to issuance of grading permits and throughout construction period.</p>

CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>historic-period archaeological resources is encountered, the qualified archaeologist shall prepare a treatment plan for review and approval by the City to direct the excavation and treatment of any remains. The protocols governing the development of a treatment plan are discussed further below.</p> <p>In lieu of steps 1) and 2) above, the project sponsor may also elect to provide an archaeological monitor during ground disturbing activities to identify any remains uncovered during construction.</p> <p>If archaeological deposits are identified, it is recommended that such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their significance. If the resources are not significant, further protection is not necessary. If the resources are significant, adverse effects on them would need to be avoided or such effects mitigated. Prehistoric materials can include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, or quartzite toolmaking debris; culturally darkened soil (i.e., midden soil often containing heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones).</p>			

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Historical materials can include wood, stone, concrete, or adobe footings; walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials. A report documenting the methods and findings, and providing recommendations as necessary shall be prepared.</p>			
<p>Mitigation Measure CUL-2: If deposits of paleontological materials are encountered during project activities, all work within 50 feet of the discovery shall be redirected until a qualified paleontologist can evaluate the finds and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their significance. If the resources are not significant, further protection is not necessary. If the resources are significant, adverse effects on them would need to be avoided or such effects mitigated.</p>	<p>Project Sponsor and Contractors</p>	<p>City-Planning and Zoning Division</p>	<p>Throughout the construction period.</p>

**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>Mitigation Measure CUL-3: Pursuant to the recommendation of the California Historical Resources Information System, prior to the issuance of grading permits, the project sponsor shall submit to the City the results of either 1) a pedestrian survey conducted by a qualified archaeologist; or 2) the results of augering conducted by a qualified archaeologist. If evidence of human remains are encountered the qualified archaeologist shall prepare a treatment plan for review and approval by the City to direct the excavation and treatment of any remains. The protocols governing the development of a treatment plan are discussed further below.</p> <p>In lieu of steps 1) and 2) above, the project sponsor may also elect to provide an archaeological monitor during ground disturbing activities to identify any remains uncovered during construction.</p> <p>Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonable suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered</p>	<p>Project Sponsor</p>	<p>City-Planning and Zoning Division</p>	<p>Prior to issuance of grading permits and throughout construction period.</p>

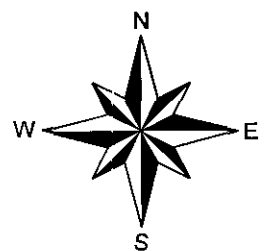
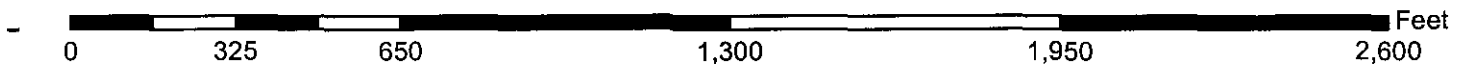
**CONDITIONS OF APPROVAL
Mitigation Monitoring and Reporting Program**

Arcadia Park Residential Project

MITIGATION MEASURES	IMPLEMENTATION	MONITORING	TIMING
<p>has determined whether or not the remains are subject to the coroner's authority.</p> <p>If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. A report documenting the methods and findings, and providing recommendations as necessary, shall be prepared.</p>			
F. GEOLOGY			
<p>Mitigation Measure GEO-1: The proposed project shall be built in compliance with all recommendations contained in the Geotechnical Investigation prepared by Lowney Associates dated June 15, 2004.</p>	Project Sponsor	City-Building Services Division	Throughout the construction period.

EXHIBIT C

AMENDMENT TO ZONING MAP



MPW

NOTICE AND DIGEST

ORDINANCE ADOPTING THE FOURTH AMENDMENT TO THE COLISEUM AREA REDEVELOPMENT PLAN AMENDING THE LAND USE DESIGNATION FOR THE 366-UNIT ARCADIA PARK RESIDENTIAL PROJECT SITE, LOCATED AT THE INTERSECTION OF 98TH AVENUE AND SAN LEANDRO STREET, FROM MANUFACTURING TO HOUSING AND BUSINESS MIX

This ordinance amends the Redevelopment Plan for the Coliseum Redevelopment Project Area to revise the land use designation on the Redevelopment Plan Land Use Map for a 27-acre site located at the intersection of 98th Avenue and San Leandro Street to conform the Redevelopment Plan to the City's General Plan.

ORDINANCE REZONING THE 366-UNIT ARCADIA PARK RESIDENTIAL PROJECT SITE, LOCATED AT THE INTERSECTION OF 98TH AVENUE AND SAN LEANDRO STREET, FROM THE M-30 GENERAL INDUSTRIAL ZONE TO THE R-30 ONE-FAMILY RESIDENTIAL ZONE AND R-50 MEDIUM DENSITY RESIDENTIAL ZONE.

This ordinance rezones a 27-acre site located at the intersection of 98th Avenue and San Leandro Street from the M-30 General Industrial Zone to the R-30 One-Family Residential Zone and R-50 Medium Density Residential Zone in order to facilitate the 366-unit Arcadia Park Residential Project.