

Development Agreement Amendment

Previously, the applicant proposed extending the term of the DA from 2019 to 2027. Staff responded to this request with a request for community benefits (see Attachment H: ZUC Report, dated January 15, 2014). However, the applicant has now withdrawn this request. Accordingly, staff is withdrawing the request for community benefits.

The proposed project would not result in a modification to the DA that would require an amendment. However, it should also be noted that, although there is no longer a proposed amendment to the DA, the applicant has decided of their own accord to offer the City a pledge of \$250,000 towards design and implementation of a Broadway 880 underpass pedestrian upgrade and of the Webster Green (see Attachment D). This offer is desirable to both the applicant and the community in terms of supporting established desirable community benefits. This commitment is included in the Conditions of Approval for this project.

Removal of the Office Cap

The applicant proposes removing a cap on office square footage that was placed on the project by the City Council at the time of the original approvals (2004), although the project was not proposed with an office cap. Removal of the office cap would allow for development of up to 61,700 square feet of additional office space beyond the currently approved 355,300 net square feet of office space. The applicant proposes to limit the locations where this additional office square footage could occur to Sites D and F2. This would potentially allow development up to (but not exceeding) the currently requested massing and height envelope (193 feet for Site D, and 293 feet for Site F2). It should be noted that the currently proposed removal of the office cap does not require any supplemental environmental review because the 2004 EIR studied the project impacts without a cap on the allowable office square footage.

Residential Options on Sites D and F2

The approved project does not include any residential development. The applicant is currently proposing adding residential variants to both Sites D and F2. For each site, the applicant proposes three residential options, including a low-rise, mid-rise and high-rise option. The maximum number of residential units is 665: up to 167 units on Site D; and up to 370 units on Site F2. Under the proposed GPA, up to 665 residential units may be distributed between Sites D and F2.

The residential options would also include changes to the maximum allowed massing and height for Sites D and F2:

Maximum Proposed Building Height

	2004 Approval	2014 Proposal
Site D (Broadway/Embarcadero)	150' max ht. (7 stories)	193' max ht. (17 stories, up to 167 du)
Site F2 (Alice/Embarcadero)	125' max ht. (8 stories)	293' max ht. (26 stories, up to 370 du)

GENERAL PLAN ANALYSIS*Existing General Plan Land Use Classifications*

The Jack London Square Project is located in the Estuary Policy Plan Area of the Oakland General Plan, which was adopted in 1999.

The F2 project site is located in the Waterfront Commercial Recreation 1 (WCR-1) land use classification of the General Plan. The intent of this classification is to "extend public-oriented waterfront activities west from Webster Street to Alice Street, in conjunction with enhanced public access, open space, and recreational opportunities." (EPP, page 132) With regards to desired character, "Future development in this area should be primarily retail, restaurant, cultural, office, hotel, commercial-recreational, conference, exhibition, performances, shows, parks, and public open spaces, and recreational opportunities with active public-oriented uses on ground floors on streets and adjacent to open space areas." (EPP, page 132) The average floor area ratio (FAR) over the entire area is 3.0. Residential uses are not included in this land use classification.

Site D is located in the Retail, Dining, Entertainment Phase 1 (RDE-1) land use classification of the General Plan. The intent of this classification is to "intensify and enhance public-oriented uses and activities that strengthen the attractiveness of the area as an active and pedestrian-friendly waterfront destination." (EPP, page 132) With regards to desired character, "future development in this area should be primarily retail, restaurant, entertainment, marina support, cultural, hotel, upper level offices, parks, and open space with active uses on the ground level of principle streets." (EPP, page 132) The average FAR over the entire area is 3.5. Residential uses are not included in this land use classification.

*Proposed General Plan Land Use Classification***Summary of Proposed General Plan Amendment**

Current GP		Proposed GP		Allowable FAR	Requirements
Site D	RDE-1 (3.5 FAR, no residential)	RDE-2	166.67 du/ac (92 du/666 du*)	7.0 FAR	GPA
Site F2	WCR-1 (3.0 FAR, no residential)	MUD	166.67 du/ac (283 du/666 du*)	5.0 FAR	GPA

*GP density can be applied in an additive manner within a PUD. Therefore, unrealized residential density for Site G (291 du) can be added to build-out for Sites D and F2 sites. The total number of units for the PUD would be 666.

The applicant proposes a General Plan Amendment (GPA) to allow residential uses on both Sites D and F2.

The applicant proposes amending the Site D land use designation to become Retail, Dining, Entertainment Phase 2 (RDE-2). The intent of this classification is to “enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown.” (EPP, page 132) With regards to desired character, “Future development in this area should be primarily retail, restaurant, entertainment, hotel, upper level office, cultural, parks public open space, and any other use that is complementary to active public-oriented ground-level uses.” (EPP, p. 132) The maximum FAR is 7.0, and the district allows 125 dwelling units per gross acre. In summary, the difference between the RDE-1 and RDE-2 designations is that the latter allows residential uses and emphasizes pedestrian-oriented development with active public-oriented uses on the ground floor.

The applicant proposes amending the Site F2 land use designation to become Mixed Use District (MUD). The intent of his classification is to “Encourage the development of nontraditional higher density housing (work/live, lofts, artist studios) within a context of commercial and light industrial/manufacturing uses.” (EPP, p.133) With regards to desired character, “Future development in this area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, loft units, parks, and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses.” (EPP, p. 133) The maximum FAR is 5.0, and the district allows up to 125 dwelling units per gross acre.

ZONING ANALYSIS

Zoning District Analysis

Both Sites D and F2 are currently zoned C-45 Community Shopping Commercial Zone (C-45 zone). The applicant does not propose a rezone. The existing zoning regulations are consistent with the proposed General Plan land use designations and would allow the proposed physical changes to the project (residential options and removal of office cap). The intent of the C-45 zone is to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares.” (Oakland Planning Code Section 17.56.010) The outright permitted residential density is one dwelling unit per 300 square feet of lot area. The maximum FAR is 7.0 (and may be exceeded by 10 percent on any corner lot).

The following table compares the proposed project with the C-45 development standards:

Zoning Criteria	C-45 Development Standards	Site D Proposal	Site F2	Comments

Land Use	Includes permanent residential	Permanent Residential	Permanent Residential	Complies
Density	1 unit / 300 s.f. lot area	NA	NA	Density does not apply in Estuary Plan area if GP FAR not exceeded
Front Yard	0'			Complies
Street Side Yard	0'			Complies

Interior Side Yard	0' unless if opposite living room window, then 8' plus 2' additional for each story above ground level			Complies
Courts	Required opposite legally required windows		Courts provided	Complies
Rear Yard	0'			Complies
Building Height	No height limit	17 stories, max (193' max ht.)	26 stories, max (293' max ht.)	Complies
Open Space	150 s.f. group/unit (private space reduces requirement by 50%)			To Be Determined
Parking	1 space/residential unit			Complies
Loading	<50 k sf = 0 >50k sf = 1 >200k sf = 2	None provided; solution = 1 off-site loading space adj. to bldg. entry	1 provided	Minor variance for Site D and F2
Bicycle Parking	Long-term: 1 per 4 units Short-term: 1 per 20 units			Complies
Recycling Space	2 cubic feet of space per unit			Complies

Loading Variance

The applicant is requesting an off-street loading variance for both Sites D and F2. For Site D, the applicant proposes no on-site loading spaces, and one off-site loading space on Broadway, south of Embarcadero, adjacent to the building entrance. For Site F2, the applicant proposes one on-site loading space where two are required under the zoning regulations.

PUD Analysis

The proposed revisions to the PUD include the addition of residential options for Sites D and F2 and the removal of the cap on office uses for the same sites. The PUD allows permitted density and FAR to be applied in an additive manner throughout the PUD area. This means that the available FAR from one PUD site can be added to another site located within the same PUD. The proposed residential options rely on this calculation to maximize the allowable density and FAR for Sites D and F2, as shown below.

90k sf Office / 59k sf Retail / 41k sf Theater

250,775 sf

Site D PUD Requirement		Consistency of Site D Proposal	Requirements
Land Use	90k sf Retail/ 59k sf Office/41k sf theater	168,294 sf residential/ 92-666 du	PUD amendment required
FAR	7.0 FAR (168,294 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	38k sf	Complies	Consistent with PUD
Height	150 feet	Exceeds	PUD amendment required
Square footage	190k sf	168,294 sf 250,775 sf	Consistent with PUD

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194 sf) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Site F2

Site F2 PUD Requirement		Consistency of Site F2 Proposal	Requirements
Land Use	15k sf Retail/ 134k sf Office	540,205 sf residential/283-666 du	PUD amendment required
FAR	5.0 FAR (73,847 sf/886,723 sf sitewide*) 369,235 sf	Complies	Consistent with PUD
Footprint	57k sf	Exceeds	PUD amendment required
Height	125 feet	Exceeds	PUD amendment required
Square footage	149k sf	540,205 sf	PUD amendment required
Parking	550 spaces		

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Office Cap

	Existing	Proposed	Requirement	
Office cap	355,300 sf	Unlimited (realistically, up to 62,000 sf more than currently allowed, and limited to Sites D and F2)	Requires amendment to PUD	Must comply with FAR and density requirements

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission certified an EIR for the existing project approvals on March 17, 2004. The EIR considered an envelope of development of up to 960,700 square feet of commercial uses. The proposed project would develop up to 1,287,700 net new gross square feet of commercial and residential uses (including up to 665 dwelling units not previously proposed and a "Maximum Commercial Scenario" that would develop up to 960,700 net new gsf of commercial uses (similar to the project analyzed in the 2004 EIR).

In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon preliminary information, the City has determined that none of those circumstances are present. As a result, the appropriate CEQA documentation is an Addendum. An Addendum is appropriate when none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon preliminary information, the City believes that none of the circumstances described above have occurred since 2004. As a result, the appropriate CEQA documentation is an Addendum. The Addendum was published and made publically available on May 9, 2014. The document is provided under separate cover to the Planning Commission and is available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA 94612 during normal business hours and at

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>.

ZONING AND RELATED ISSUES

The proposed project is a revision to a Planned Unit Development (PUD) and a Preliminary Development Plan (PDP). Consistent with Planning Code Section 17.140.020, a PDP should show, "streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of structures; utilization of structures, including activities and the number of living units; estimated population; reservations for public uses, including schools, parks, playgrounds, and other open spaces; major landscaping features; relevant operational data; and drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces." Architecturally, a PDP is less refined than a Final Development Plan (FDP) and need only include massing models (and not show fenestration and/or finishes, for example).

The JLD applicant has provided massing models and preliminary site planning information for three residential density options for each of Sites D and F2. In addition, the applicant has provided an illustrative drawing depicting what a highrise tower on F2 might look like, images of primary building entrances, and images of materials and details that provide a sense of what future buildings might look like (see Attachment A). The massing models are rough and represent only an outer box in which any future development would be located. Plans also indicate a pedestrian promenade between Sites F2 and F3.

Refinement of the massing model and added details would be provided at the time of FDP submittal. At the time of FDP submittal, staff would expect to receive the following design information:

- Schematic building design drawings, showing:
 - Refined massing, indicating distinct features of the proposed building such as (but not limited to) base, middle and top, and actual projections and recesses;
 - Window schedule;
 - Exterior materials details;
 - Location and design of required open space;
- Landscaping plans;
- Public right-of-way and off-site design and details adjacent to development:
 - Design of corner at Broadway and Embarcadero, including special paving and street furnishings;
 - F2 vehicular entry from Embarcadero; and

- Pedestrian promenade between Sites F2 and F3.

Issues

Staff has identified the following concerns for Planning Commission consideration. Staff and/or DRC and ZUC analysis provided in italicized text at the end of each discussion bullet:

- **General Plan Land Use Classification:** As noted above, the applicant is requesting a GPA for both proposed development sites. Although the proposed land use classifications would accommodate the proposed residential densities at both development locations, in both cases the submittal does not indicate that the proposal meets the intent of the proposed land use classification:
 - Site D: The applicant proposes amending the Site D land use classification to RDE-2. In part, the intent of this classification is to provide active ground floor uses. The proposed design includes a small space facing Broadway reserved for retail or amenity space. Site D is challenged in terms of its location adjacent to the railroad right-of-way along Embarcadero (and by an abundance of vacant retail space in the Jack London District). However, staff believes the entire ground floor frontage on Broadway and Embarcadero (excluding vehicular access) should provide visual interest for pedestrians (such as informational storefront windows and lighting or an attractive public art piece lining the garage on the ground floor along Embarcadero). Staff believes that the ground floor frontage need not be specifically retail, but should be visually interesting, well-lit and inviting. In addition, the proposed retail and/or amenity space should be for public use and not exclusively for residents.
 - Site F2: The applicant proposes amending the Site F2 land use classification to MUD. As noted above, the intent of this classification is to support and provide a warehouse/loft feel similar to the neighborhood north-east of the F2 site. The photo images and illustratives provided as part of the application show a possible "look" for the project that has a more corporate, high-end appearance. Staff believes that, although the MUD classification allows the desired density for the Site F2 project, it is intended to protect and preserve the historic warehouse/loft neighborhood to the northeast. In short, the district is not specifically intended for this waterfront location but for the distinct adjacent neighborhood located on the other side of Embarcadero. Staff believes the MUD classification is an adequate but not a precise fit for the proposed F2 development and that the Planning Commission should evaluate how important the desired MUD character is for this site should the site be reclassified as MUD and, accordingly, direct the applicant regarding design style.
 - *The DRC and ZUC have indicated that they do not have concerns about the proposed GPAs for Sites D and F2.*
- **Proposed Land Uses:** Residential development has the potential to complement and even enhance the desired retail and entertainment character of the Jack London District. However, residential uses were not historically envisioned in this area. Residential uses

have the risk of conflicting with certain entertainment uses. In addition, the Oakland Fire Department does not have facilities in the Jack London District to service residential and/or highrise uses (Station 2 has been vacant since 2009 and does not have the capacity to respond to a highrise building). The environmental documentation finds emergency response times adequate for the project, but the situation is nonetheless not ideal. The Planning Commission should consider the appropriateness of high-density residential development at these locations.

- **Building Design:** As noted above, the application is for a PDP and, as such, has minimal design information about the proposed development. That said, the massing models are very boxy and unrefined, and raise concerns about the potential for future design issues. The applicant has submitted design guidelines intended to control the design of the FDP. However, staff believes the Planning Commission should consider the massing models, as follows:
 - Organization of building in terms of massing: Although there are successful, large buildings that do not rely on sophisticated massing and articulation for their design quality, those buildings rely on distinctive proportions, sophisticated organization of patterns and rhythm in building features and extremely high-quality materials to create visual harmony and interest. The massing models do not have enough information to ensure that the FDP will be visually complex and attractive. Does the Planning Commission want to see massing models that simply delineate the envelope in which the FDP could be designed? Does the Planning Commission want to see massing models that rely on standard articulation, such as base, middle and top? Are there projects in Oakland from which this project could take design cues (such as the Essex, 100 Grand)? It should be noted that the project, as built to date, has relied on even less informative PDPs and the FDPs and built products are well massed and architecturally responsive to the surrounding context.
 - Design character and quality: Both proposed development sites are prominent.
 - Site D is one of the most important locations in Oakland. It marks the terminus of Broadway, the most important organizing arterial street in Oakland. It is a gateway between the City of Oakland and the San Francisco Bay. Finally, it is located within a regional destination, the Jack London District. Staff believes that any development at this site should be of landmark quality, provide significant transparency (especially at the ground floor) and include high-quality materials.
 - Site F2 is located in the Jack London District, a regional destination, and near the waterfront. Although development at this location perhaps need not be of landmark quality, staff believes it should be very high quality and elegant, and include high-quality materials.
 - Ground floor height: The proposed plans do not indicate a minimum ground floor height. Staff believes that the ground floor uses adjacent to the public right-of-way should be a minimum of 15 feet tall (floor to ceiling).
 - *The project has been refined throughout the application process, including the massing models, ground floor sketches and design guidelines.*

Overall, the project generally addresses the design-related issues, and the considerations identified here can be addressed in any future FDP review.

- **Parking:** The proposed plans indicate each residential proposal would include one-to-one on-site parking. Staff supports this approach (as opposed to relying on the Site G parking garage to provide parking for Sites D and F2); however, to the extent feasible, parking should be wrapped with commercial and residential uses adjacent to the public right-of-way and have an appropriate floor-to-ceiling height (see discussion above). Where infeasible, parking should be attractively screened, with screening integrated into the building architecture and supporting the pedestrian experience.
- **Towers Along the Waterfront:** In the past, community members have expressed concern about large buildings and towers along the waterfront that might obscure visual access to the Oakland Estuary. In addition, the waterfront is both a physical and visual regional destination. Staff believes that any towers at these locations would be iconic for Oakland, and should be slender and elegant. Although neither site is subject to a height limit, does the Planning Commission prefer to have development step down toward the waterfront and/or away from Broadway? Does the Planning Commission believe that towers at these locations should have a certain character?
- **Building Height:** The underlying zoning regulations do not contain building height restrictions. However, there has been historic community interest in development stepping down toward the waterfront and away from Broadway. The Planning Commission should consider the appropriateness of highrise development at the proposed locations on Broadway and on the waterfront. The proposed maximum building heights (under the highrise scenarios) are as follows: Site D maximum height would be 17 stories (193 feet); and Site F2 maximum height would be 26 stories (293 feet).
- **Loading Variance:** Staff generally supports the variance request, based on the attached findings. The applicant has provided documentation that the proposed on-street loading on Broadway is permitted by the Port of Oakland. However, any approval of the loading variance for Parcel D would be conditioned upon the applicant getting other required approvals for the proposed loading space on Broadway. If permitting agencies, such as Oakland Fire Department, will not allow the on-street loading space, the applicant will have to provide on-site loading or apply for a variance for a different off-site solution.
- **Design Guidelines:** The adopted DA provides design guidelines for the entire project, including the approved commercial development for Sites D and F2. The applicant has also provided specific design guidelines for residential development on Sites D and F2 as part of the current application to revise the approvals (see Attachment A). The purpose of the design guidelines is to prescribe how the PDP should be refined in order to ensure high quality development on Sites D and F2. The Design Guidelines identify the quality of materials, definition of base, middle and top of building, articulation and architectural variation. In addition, the proposed design guidelines address:

- Corner treatments (for the corner of Broadway and Embarcadero and the corner of Harrison and the Promenade, in particular);
- Integrating balconies and other applied features into the architectural design of the building;
- The potential for ground floor monotony along long facades adjacent to public row and how to remedy this;
- Ground floor transparency;
- Establishing minimum ground floor heights; and
- Iconic design: The Site D building, in particular, would be located on a very prominent site and should be an architectural beacon for Oakland. Off-Site Improvements: The Design Guidelines include sidewalk and promenade design concepts and materials, street furnishings, lighting, trees, treatment of interface with UP ROW, should reference the approved Landscape Master Plan, and should be consistent with and support the Estuary Policy Plan.
- Relationship to Off-Site Improvements:
 - The Design Guidelines address the interface between F2 and the promenade.
 - The Design Guidelines specify ways by which the ground floor adjacent to the public right-of-way can be animated to support pedestrian use.
- **Standard Conditions of Approval:** The proposed project only affects Sites D and F2. With this in mind, staff has limited the application of new Standard Conditions of Approval to the proposed residential options and removal of the office cap on Sites D and F2. The previously adopted conditions of approval will continue to apply to the previously approved project, consistent with the terms of the DA.

It should be noted that the City's Standard Conditions of Approval (SCA) includes an SCA relating to GHG emissions: SCA GHG-1, which requires a greenhouse gas reduction plan to be prepared and adhered to for projects that would have a significant climate change impact under CEQA. The City's policy is to submit residential projects that include 172 or more units to City Planning staff and the City Attorney's office for a determination as to "the appropriate CEQA review." This policy is based on the EIR for the City's 2007-2014 Housing Element, which included a finding that that no operational emissions from any individual residential development project constructed pursuant to the Housing Element (regardless of size) would result in a significant climate change impact.¹

As shown in the Addendum (see Attachment C), the greenhouse gas emissions from the maximum of 665 residential units proposed as part of the 2014 Modified Project would not exceed BAAQMD's threshold of 4.6 MT CO₂e per service population per year. Further, development of the Maximum Residential Scenario would actually result in a decrease in the amount of greenhouse gas emissions in comparison to construction of the

¹ See p. 3.5-35, Discussion of Future Development Projects, *City of Oakland 2007-2014 Housing Element Draft EIR*: "[P]roject-level GHG impacts associated with all future residential development projects under the 2007-2014 Housing Element would be less than significant and no project-specific GHG analysis would be required."

previously approved, non-residential variants on both D and F2. Based on the data and the policy underlying the City's climate change thresholds of significance, the City has determined that development of the new residential elements would have a less-than-significant climate change impact, and thus SCA GHG-1 does not apply to the Jack London Square Project.

City staff has consulted with the City Attorney's Office regarding this specific case and recommends that the Planning Commission find that SCA GHG-1 does not apply to the proposed project. The proposed change to the project would, in-and-of-itself, *reduce* (and not increase) the greenhouse gas emissions from the previously approved project. However, staff understands that the overall project, due to other previously approved components of the project, would theoretically trigger the application of the SCA. Staff believes that it is reasonable, in this specific case, to evaluate the *change to the project* as opposed to the *changed project*. This is a reasonable approach for the reason stated above as well as for the following reasons: the proposed project is a change to a previously approved project (as opposed to an entirely new project) and would not in-and-of-itself trigger the application of SCA-1 (either as a CEQA mitigation measure or a SCA); and the approved project was subject to an EIR prior to consideration of climate change impacts and so the previously approved project was not at that time found to result in impacts that would trigger the application of SCA GHG-1 as a mitigation measure or otherwise, and it would not be reasonable to require a new mitigation measure specific to components of a previously approved project. For these reasons, and specific to this case, staff recommends not applying SCA GHG-1 to the proposed project.

RECOMMENDATION

Although staff has identified a number of design questions and issues regarding the proposed Jack London Square Redevelopment Project proposed revision, staff recommends approval of the project. The proposed PDP, including the massing models, design vignettes and design guidelines, generally address the questions and issues raised by staff. More importantly, the addition of residential uses, though controversial in the vicinity of the waterfront, would diversify land uses in the Jack London area and provide an audience for currently struggling commercial and entertainment uses in the vicinity. Staff recommends approving the project to support the potential for iconic architecture and land use synergy that would enhance the prominence of the area as both a local and regional destination.

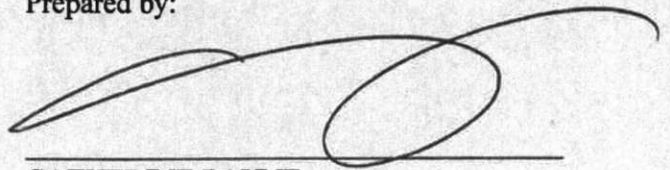
CONCLUSION

Staff requests the Planning Commission to consider the following:

- Based on the attached findings, accept the Jack London Square Redevelopment Project Environmental Impact Report Addendum #1;

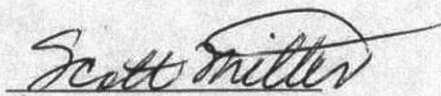
- Removal of office cap of 355,300 square feet, allowing up to 62,000 square feet of additional office space to be located on Sites D and/or F2;
- Revise PDP to allow up to 665 residential dwelling units on Sites D and F2;
- Revise PDP to allow a maximum mass, as follows:
 - Site D: 193' maximum height (up to 17 stories) and up to ^{250,775}168,294 square feet of development; and
 - Site F2: 293' maximum height (up to 26 stories) and up 540,205 square feet of development.
- Based on the attached findings, approve a Minor Variance from loading requirements, to:
 - Require no loading spaces on Site D for the residential options, conditioned upon approval of a dedicated off-site loading space on Broadway fronting the project site; and
 - Require one loading space on Site F2.
- Based on the attached findings, recommend approval of the proposed GPA to the City Council.

Prepared by:



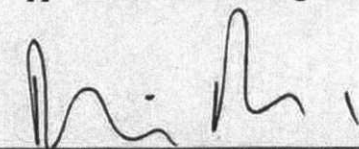
CATHERINE PAYNE
Planner III

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the Planning Commission



Darin Ranelletti, Deputy Director
Bureau of Planning

Attachments:

- A. Proposed Project Plans and Design Guidelines
- B. Proposed Revisions to the PUD text
- C. Jack London Square Redevelopment Project EIR and Addendum #1 (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560>).
- D. Letter from Ellis Partners, dated April 10, 2014
- E. Loading Variance Request Exhibit
- F. Public Comments Provided in Writing
- G. DRC Staff Report, dated December 18, 2013
- H. ZUC Staff Report, dated January 15, 2014 (includes 2004 approved FDPs for Sites D and F2)

**CONDITIONS OF APPROVAL FOR JACK LONDON SQUARE PROJECT GENERAL PLAN
AMENDMENT APPROVAL, PLANNED UNIT DEVELOPMENT AMENDMENT APPROVAL,
DESIGN REVIEW, AND MINOR VARIANCE**

Except as otherwise specifically provided, these Conditions of Approval shall apply only to the development of residential uses on Sites D and F2.

as modified by Addendum #1

It should be noted that all previously adopted Conditions of Approval and ~~Mitigation Measures~~ apply to the previously approved project unless expressly modified herein. The Conditions of Approval in this document are limited to the specific revisions to the project addressed in the May 21, 2014 Planning Commission staff report.

1. **Approved Use**

Ongoing

May 21, 2014

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report dated May 7, 2014**, exhibits, 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 the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission and City Council** ("this Approval") includes the approvals set forth below. This Approval includes:
 - i. ~~Amendment to the Development Agreement, under Municipal Code Section 17.138, Development Agreement Procedure;~~
 - ii. General Plan Amendment;
 - iii. Revision to PUD (PDP, only), under Municipal Code Section 17.140, Planned Unit Development Procedure;
 - iv. Design Review, under Municipal Code Section 17.136, Design Review Procedure; and
 - v. Minor variance for loading, under Municipal Code Section 17.148, Variance Procedure.

2. **Effective Date, Expiration, Extensions and Extinguishment**

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two (2) years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. **Scope of This Approval; Major and Minor Changes**

Ongoing

The project is approved pursuant to the **Planning Code and other applicable legal requirements**. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic

extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. **Conformance to Approved Plans; Modification of Conditions or Revocation**

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions of Approval and Mitigation Measures** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions of Approval and Mitigation Measures** if it is found that there is violation of any of the **Conditions of Approval and Mitigation Measures** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. **Signed Copy of the Conditions of Approval and Mitigation Measures**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions of Approval and Mitigation Measures** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. **Indemnification**

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive

termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval **and/or mitigation measures**, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.

- c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a bond, cash, deposit, or letter of credit, **acceptable to the City**, shall be provided for the planting of the required landscaping. The amount of such a bond, cash, deposit, or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

14. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

15. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions **and/or mitigations** and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition **and/or mitigations**.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

16. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights **where required** by the SCAMMRP
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard **where required** on-site by the SCAMMRP
- d) Provide separation ~~between~~ sanitary sewer and water lines to comply with current City of Oakland and ^{new} Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards where required by the SCAMMRP
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage **where required** by the SCAMMRP

Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

17. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

18. Compliance Matrix

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions/Mitigation Measures** compliance matrix that lists each condition of approval **and/or mitigation measure**, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions **and/or mitigation measures**. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

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

Ongoing

as modified by

All mitigation measures identified in the Jack London Square EIR and Addendum #1 are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as conditions of approval of the project. The Standard Conditions of Approval identified in the **Jack London Square EIR and Addendum #1** are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

20. Tree Removal Permit on Creekside Properties

Prior to issuance of a final inspection of the building permit

Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.

21. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

22. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

23. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary.

The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

24. Creek Dewatering and Aquatic Life

Prior to the start of and ongoing throughout any in-water construction activity

- a) If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain aquatic life (native fish, native amphibians, and western pond turtles) below the dam or other artificial obstruction.
- b) The project applicant shall hire a biologist, and obtain all necessary State and federal permits (e.g. CDFG Scientific Collecting Permit), to relocate all native fish/native amphibians/pond turtles within the work site, prior to dewatering. The applicant shall first obtain a project-specific authorization from the CDFG and/or the USFWS, as applicable to relocate these animals. Captured native fish/native amphibians/pond turtles shall be moved to the nearest appropriate site on the stream channel downstream. The biologist/contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the CDFG and/or the USFWS, as applicable.

25. Creek Dewatering and Diversion

Prior to the start of any in-water construction activities

If installing any dewatering or diversion device(s), the project applicant shall develop and implement a detailed dewatering and diversion plan for review and approval by the Building Services Division. All proposed dewatering and diversion practices shall be consistent with the requirements of the Streambed Alteration Agreement issued by the California Department of Fish and Game.

- a) Ensure that construction and operation of the devices meet the standards in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- b) Construct coffer dams and/or water diversion system of a non-erodable material which will cause little or no siltation. Maintain coffer dams and the water diversion system in place and functional throughout the construction period. If the coffer dams or water diversion system fail, repair immediately based on the recommendations of a qualified environmental consultant. Remove devices only after construction is complete and the site stabilized.

- e) Pass pumped water through a sediment settling device before returning the water to the stream channel. Provide velocity dissipation measures at the outfall to prevent erosion.

26. Railroad Crossings

Analysis required during project review; implementation prior to project completion

The Transportation Impact Studies (TIS) otherwise required to be prepared for the project, in accordance with standard City policies and practices, must evaluate potential impacts to at-grade railroad crossing resulting from project-related traffic. In general, the major types of impacts to consider are collisions between trains and vehicles, trains and pedestrians, and trains and bicyclists. The TIS should include an analysis of potential queuing onto railroad tracks. A "Diagnostic Review" must be undertaken and include specific traffic elements, such as roadway and rail description, accident history, traffic volumes (all modes, including pedestrian and bicyclist crossing movements), train volumes, vehicular speeds, train speeds, and existing rail and traffic control.

Where the TIS identifies potentially substantially dangerous crossing conditions at at-grade railroad crossings caused by the project, measures relative to the project's traffic contribution to the crossings may be applied through project redesign and/or incorporation of the appropriate measures to reduce potential adverse impacts caused by specific housing development projects. These measures may include, without limitation, the following:-

- a) Installation of grade separations at crossings, i.e., physically separating roads and railroad tracks by constructing overpasses or underpasses
- b) Improvements to warning devices at existing highway rail crossings that are impacted by project traffic
- e) Installation of additional warning signage
- d) Improvements to traffic signaling at intersections adjacent to crossings, e.g., signal preemption
- e) Installation of median separation to prevent vehicles from driving around railroad crossing gates
- f) Where sound walls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- g) Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains
- h) Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- i) Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- j) Elimination of driveways near crossings
- k) Increased enforcement of traffic laws at crossings
- l) Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).

27. Project-specific Conditions of Approval

- The loading variance for Site D is granted conditioned upon securing permits to allow off-site loading on Broadway, adjacent to Site D, from the appropriate jurisdiction(s). Failure to secure the appropriate

permits would require the applicant to either provide adequate on-site loading or seek (and obtain) an alternative variance for not meeting the on-site loading requirements for this project.

- The design guidelines for this set of approvals is contained in the Development Agreement, Exhibit C. All future permit applications resulting from this set of approvals shall be accompanied by the design guidelines contained in the Development Agreement Exhibit C, as amended.
- Pedestrian-Related Improvements:
 - Prior to Certificate of Occupancy for Site D: All-way stop control shall be installed at the Webster Street/Embarcadero intersection, including high-visibility ladder crosswalks at all intersection approaches with advance yield markings, consistent with current City of Oakland crosswalk standards for unsignalized intersections. Stop lines for vehicles shall be placed such that any stopped motorist can clearly see pedestrians intending to cross and vehicles at opposing intersection approaches.
 - Prior to Certificate of Occupancy: The following measures shall be implemented to enhance pedestrian safety:
 - Install pedestrian signal heads (with adequate time for pedestrians to cross Embarcadero) when new traffic signals are installed as part of the Project.
 - Install informational signs to indicate to pedestrians where pedestrian bridges are located.
 - Install warning signs, and/or audible signals, at parking garage access points to alert pedestrians about approaching vehicles.
 - Prior to the issuance of the first construction-related permit for either Site D or F2, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:
 - A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, Broadway, and Franklin, Alice, and 2nd Streets, including sidewalk and lane intrusions and/or closures.
 - Identification of any transit stop relocations, particularly along the Embarcadero and 2nd Street.
 - Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
 - Identification of parking eliminations and any relocation of parking for employees and public parking during construction.

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- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
 - Provisions for accommodation of pedestrian flow, particularly along Embarcadero.
 - Location of construction staging areas for materials, equipment, and vehicles.
 - Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
 - Temporary construction fences to contain debris and material and to secure the site.
 - Provisions for removal of trash generated by project construction activity.
 - A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaints manager.
- Compliance with the commitments made in Ellis letter, dated April 10, 2014 and included in the staff report.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

DRAFT FINDINGS

JACK LONDON SQUARE PROJECT

FINDINGS FOR APPROVAL

The 2014 Jack London Square Project meets the required findings for compliance with:

- California Environmental Quality Act;
- Land Use and Transportation Element of the General Plan; and
- Oakland Planning Code Sections:
 - 17.140.080 (Planned Unit Development Procedure Permit Criteria);
 - 17.148.050 (Variance Criteria); and
 - 17.136.050 (Regular Design Review Criteria).

Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

CEQA

Addendum Findings

The Planning Commission and City Council, based upon their own independent review, consideration, and exercise of its independent judgment, hereby find and determine, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further California Environmental Quality Act ("CEQA") review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA; Guidelines Sections 15162 and 15163, are present in that (1) there are no substantial changes to the Jack London Square Project, as described in the 2014 Addendum ("2014 Modified Project"), that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2004 Environmental Impact Report for the Jack London Square Project (the "2004 EIR"); (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2004 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2004 EIR was certified, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the 2004 EIR or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2004 EIR, and which would substantially reduce significant effects of the 2014 Modified Project, but the City declines to adopt them. Thus, in considering approval of the 2014 Modified Project, the City can rely on the 2004 EIR and the 2014 Addendum.

Other CEQA Findings

A. The monitoring and reporting of CEQA mitigation measures in connection with the 2014 Modified Project will be conducted in accordance with the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (the "SCAMMRP"). Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

B. That the record before the City includes, without limitation, the following for the 2014 Modified Project:

1. The application, including all accompanying maps and papers, submitted to the City;
2. All final plans and reports submitted by the applicant and his/her representatives to the City;
3. All final staff reports, decision letters, and other documentation and information produced by or on behalf of the City.
4. All oral and written evidence received by the City staff, before and during the public hearings on the 2014 Modified Project;

5. The 2004 EIR and related materials; and
6. All matters of common knowledge and all official enactments and acts of the City, including but not limited to (a) the General Plan (including the Estuary Policy Plan) and the General Plan Conformity Guidelines; (b) the Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, the Oakland Fire Code, the Oakland Public Works Code, and the Oakland Planning Code; (c) the Oakland Building Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations.

C. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council decision on the 2014 Modified Project is based is the Office of Planning and Building, 250 Frank. H. Ogawa Plaza, Suite 3315, Oakland, CA.

General Plan Amendment Findings

1. The amendment advances General Plan implementation.

The project will advance General Plan implementation for the reasons specified in the staff report. In summary, the project is a well-designed project on an underutilized infill site located in an urbanized area of the city near public transportation, and the General Plan amendment would facilitate the establishment of residential units and economic revitalization.

2. The amendment is consistent with the policies in the Land Use and Transportation Element.

The amendment is consistent with the policies of the Land Use and Transportation Element as explained above.

3. Are there any inconsistencies that need to be reconciled?

No inconsistencies need to be reconciled between the existing zoning designation and the proposed General Plan amendment.

4. The amendment is not contrary to achievement of citywide goals (with consideration given to citywide impacts).

The amendment is not contrary to the achievement of citywide goals. No citywide environmental impacts are anticipated. The amendment allows the uses already approved on the site, as well as the construction of residential units on the site. The construction of residential units on the site would ameliorate quality of life in the area, increase the street-level activity throughout the day and evening, and also reduce greenhouse gas emissions due to the placement of residential and commercial uses in close proximity to one another.

Planned Unit Development Findings

17.140.080 - Permit Criteria.

A planned unit development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

- A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;**

The 2014 Modified Project would create the potential for developing residential uses, as well as a somewhat increased amount of office uses, as compared to the previously approved project; however, it would not exceed any allowable densities under the Oakland General Plan (as proposed to be amended). As demonstrated in the Planning Commission report, dated May 21, 2014, the revisions to the PUD would be consistent with adopted (or to-be-adopted) plans and ordinances and the uses in the 2014 Modified Project are allowed as permitted or conditionally permitted in accordance with the approved PUD.

- B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development;**

The 2014 Modified Project retains the design for most of the proposed development in the overall Jack London Square Project, with the exception of Sites D and F2, for which additional design variants are proposed. These additional variants can be well integrated with their surroundings and are not a departure in character from surrounding uses. The discussion of site planning, building type, building layout, massing height, and points of entry in the May 21, 2014 Planning Commission Staff Report further demonstrates that the 2014 Modified Project will be well integrated with its surroundings.

- C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets;**

The 2014 Modified Project is designed to accommodate parking and traffic generated by the development. The 2014 CEQA Addendum demonstrates that the 2014 Modified Project will have no new significant impacts related to transportation or parking. The project traffic will generally disperse along the major streets in the area so that other local streets will not be adversely affected by project traffic.

- D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services;**

The 2014 Modified Project would provide substantial commercial and residential uses but would not affect how the project (as currently approved) would be served by existing and proposed facilities, including utilities and infrastructure. In addition, the 2014 Modified Project would be subject either to the City's standard conditions of approval and/or the mitigation measures set forth in the 2004 EIR (as modified and to the extent applicable), which require the project sponsor to improve public utilities and infrastructure, as needed, to support the project.

- E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations;**

The 2014 Modified Project could increase the density of residential and/or office uses in the area, which would bolster and provide a market for such uses on a block that would otherwise be underutilized. The 2014 Modified Project would provide some or all of the following: new residential units, new retail, restaurant, and other commercial uses that will enhance shopping and working opportunities for existing and future area residents. The new buildings, new retail and commercial uses, and new residents will foster an attractive and stable environment in this area of the City.

- F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.**

Because of the generally flat condition of the site, the 2013 Modified Project will not require excessive earth moving or destroy desirable natural features and, as demonstrated in the CEQA Addendum, would not affect the aesthetic or functional quality of the surrounding area. The design is attractive and complementary to the surrounding neighborhood and would contribute to an attractive, amenity-rich neighborhood conveniently served by mass transit. The discussion of site planning, building type, building layout, massing height, and points of entry in the May 21, 2014 Planning Commission Staff Report further demonstrates that the 2014 Modified Project will be well integrated with its surroundings.

Variance Findings

17. 148.050 – Variance Findings Required.

- A. **With the exception of variances for adult entertainment activities or sign facilities, a variance may be granted only upon determination that all of the following conditions are present:**
- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

The proposal includes loading adequate to fulfill the needs of the uses on site. Providing additional loading is both impractical and undesirable due to the configuration of the proposed development of Sites D and F2. Site D has one available frontage for loading, which is Broadway. Because Broadway is also the frontage for the building's lobby, any street-level active uses, and parking access, the one loading space for the building occurs immediately adjacent to the building. Site F2 will have one loading berth consistent with the needs of the building. Delivery services will have access to other loading facilities available throughout Jack London Square, a mixed-use, planned unit development.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;**

Both Sites D and F2 require a reasonable balance between the need for loading berths and other necessary program elements at the ground floor. Strict compliance with the loading berth requirement is either not possible (Site D) or impractical (Site F2) and would not allow a reasonable balance between necessary ground floor program elements. Therefore, strict compliance would deprive the project of a balanced architectural design at the ground floor. A loading variance is necessary to achieve project objectives.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;**

The loading variance for Sites D and F2 will not affect nearby properties. Adequate loading facilities are provided as part of this proposal, and in addition, loading facilities are available throughout Jack London Square.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;**

In addressing the particular circumstances of the designs of Sites D and F2, no special privilege will be granted through this variance. In addition, there are no properties in the City subject to the same Jack London Square planned unit development zoning as the sites under control of the Applicant.

5. **That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050:**

The requested loading variance is not a building element, per se. However, the elevations and plans of the proposal do conform to Design Review criteria.

6. **That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

As demonstrated throughout May 21, 2014 Planning Commission staff report, upon approval of the General Plan Amendment, the proposed project will be consistent with the General Plan, design guidelines and zoning, as well as with the approved PUD.

7. **For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:**
 - a. **The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**
 - b. **Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.**

Not applicable, as the project includes multi-family residential and commercial uses.

- B. **A variance for adult entertainment activities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:**

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property;
3. That the variance will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly residential care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses;
4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

Not applicable because the project does not involve adult entertainment uses.

C. A variance for sign facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstance or conditions of design;
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; and
3. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

Not applicable, as no signs are proposed at this time.

Regular Design Review

VI. 17.136.050 - Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

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

The proposed massing and design guidelines for the new residential variants for Sites D and F-2 will ensure that buildings constructed on those sites will relate well to the surrounding area in their setting, scale, bulk, height, materials, and textures. Design guidelines were adopted for the Jack London Square area in 2004 as part of the original project approvals, and are amended as part of the 2014 approvals in order to accommodate the proposed project changes with respect to Sites D and F2. These designs guidelines encourage, for instance, creation of visually interesting architectural profiles by varying building heights. This type of visual interest is found in the surrounding area, with buildings of varying heights, bulks, and architectural detailing. The proposed development of Sites D and F-2 will continue this pattern, creating architectural interesting forms that complement the neighborhood.

- 2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;**

The proposed massing and design guidelines will enhance desirable neighborhood characteristics. The Jack London Square district and the Broadway corridor are vibrant urban spaces which thrive due to their mix of uses and activity during both daytime and nighttime. The proposed designs contribute to the mix of uses in Jack London Square itself by bring residential uses into the Square. The design guidelines (as amended) ensure attractive architectural design, complementing the neighborhood's mix of fine older and modern buildings.

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

No significant topographic or landscape features exist on Sites D and F-2. The proposed design will generally maintain existing topography and will include new landscaping. Specific landscaping design will be submitted as part of the later FDP applications for these sites and will be consistent with the design guidelines and previously approved landscape master plan, both of which call for landscaping to maintain overall harmony and continuity.

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

Not applicable because the project is not located on a hilly site.

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

This application includes a request to amend the General Plan and the existing PUD that relate to Sites D and F-2. Once amended, this proposal will conform to the applicable provisions of these documents.

B. For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well-related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060:

Not applicable.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

Not applicable.

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

Not applicable.

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 zone:

1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

Not applicable.

D. For Potential Designated Historic Properties that are not Local Register Properties:

That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

2. **The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or**
3. **The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

Not applicable.

E. For Retaining Walls,

1. **That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;**
2. **That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;**
3. **That the retaining wall respects the natural topography, avoiding obvious scars on the land; and**
4. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The minor retaining walls that may be required as part of the 2014 Modified Project will be consistent with the Design Guidelines and the Planned Unit Development documents for the 2014 Modified Project. As such, they will comply with the criteria set forth above.

**CONDITIONS OF APPROVAL FOR JACK LONDON SQUARE PROJECT GENERAL PLAN
AMENDMENT APPROVAL, PLANNED UNIT DEVELOPMENT AMENDMENT APPROVAL,
DESIGN REVIEW, AND MINOR VARIANCE**

Except as otherwise specifically provided, these Conditions of Approval shall apply only to the development of residential uses on Sites D and F2.

It should be noted that all previously adopted Conditions of Approval and Mitigation Measures apply to the previously approved project unless expressly modified herein. The Conditions of Approval in this document are limited to the specific revisions to the project addressed in the May 21, 2014 Planning Commission staff report.

1. **Approved Use**

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report dated May 7, 2014**, exhibits, 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 the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission and City Council** ("this Approval") includes the approvals set forth below. This Approval includes:
 - i. Amendment to the Development Agreement, under Municipal Code Section 17.138, Development Agreement Procedure;
 - ii. General Plan Amendment;
 - iii. Revision to PUD (PDP, only), under Municipal Code Section 17.140, Planned Unit Development Procedure;
 - iv. Design Review, under Municipal Code Section 17.136, Design Review Procedure; and
 - v. Minor variance for loading, under Municipal Code Section 17.148, Variance Procedure.

2. **Effective Date, Expiration, Extensions and Extinguishment**

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two (2) years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. **Scope of This Approval; Major and Minor Changes**

Ongoing

The project is approved pursuant to the **Planning Code and other applicable legal requirements**. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic

extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions of Approval and Mitigation Measures** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions of Approval and Mitigation Measures** if it is found that there is violation of any of the **Conditions of Approval and Mitigation Measures** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions of Approval and Mitigation Measures

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions of Approval and Mitigation Measures** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive

termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. **Compliance with Conditions of Approval**

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. **Severability**

Ongoing

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

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval **and/or mitigation measures**, shall be available for review at the job site at all times.

11. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management**

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. **Required Landscape Plan for New Construction and Certain Additions to Residential Facilities**

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.

- c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a bond, cash, deposit, or letter of credit, **acceptable to the City**, shall be provided for the planting of the required landscaping. The amount of such a bond, cash, deposit, or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

14. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

15. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions **and/or mitigations** and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition **and/or mitigations**.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

16. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights **where required**.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard **where required**.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards where required.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage **where required**.

Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

17. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

18. Compliance Matrix

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions/Mitigation Measures** compliance matrix that lists each condition of approval **and/or mitigation measure**, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions **and/or mitigation measures**. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

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

Ongoing

All mitigation measures identified in the Jack London Square EIR and Addendum #1 are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as conditions of approval of the project. The Standard Conditions of Approval identified in the **Jack London Square EIR and Addendum #1** are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

20. Tree Removal Permit on Creekside Properties

Prior to issuance of a final inspection of the building permit

Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.

21. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

22. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

23. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary.

The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

24. Creek Dewatering and Aquatic Life

Prior to the start of and ongoing throughout any in-water construction activity

- a) If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain aquatic life (native fish, native amphibians, and western pond turtles) below the dam or other artificial obstruction.
- b) The project applicant shall hire a biologist, and obtain all necessary State and federal permits (e.g. CDFG Scientific Collecting Permit), to relocate all native fish/native amphibians/pond turtles within the work site, prior to dewatering. The applicant shall first obtain a project-specific authorization from the CDFG and/or the USFWS, as applicable to relocate these animals. Captured native fish/native amphibians/pond turtles shall be moved to the nearest appropriate site on the stream channel downstream. The biologist/contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the CDFG and/or the USFWS, as applicable.

25. Creek Dewatering and Diversion

Prior to the start of any in-water construction activities

If installing any dewatering or diversion device(s), the project applicant shall develop and implement a detailed dewatering and diversion plan for review and approval by the Building Services Division. All proposed dewatering and diversion practices shall be consistent with the requirements of the Streambed Alteration Agreement issued by the California Department of Fish and Game.

- a) Ensure that construction and operation of the devices meet the standards in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- b) Construct coffer dams and/or water diversion system of a non-erodable material which will cause little or no siltation. Maintain coffer dams and the water diversion system in place and functional throughout the construction period. If the coffer dams or water diversion system fail, repair immediately based on the recommendations of a qualified environmental consultant. Remove devices only after construction is complete and the site stabilized.

- c) Pass pumped water through a sediment settling device before returning the water to the stream channel. Provide velocity dissipation measures at the outfall to prevent erosion.

26. Railroad Crossings

Analysis required during project review; implementation prior to project completion

The Transportation Impact Studies (TIS) otherwise required to be prepared for the project, in accordance with standard City policies and practices, must evaluate potential impacts to at-grade railroad crossing resulting from project-related traffic. In general, the major types of impacts to consider are collisions between trains and vehicles, trains and pedestrians, and trains and bicyclists. The TIS should include an analysis of potential queuing onto railroad tracks. A "Diagnostic Review" must be undertaken and include specific traffic elements, such as roadway and rail description, accident history, traffic volumes (all modes, including pedestrian and bicyclist crossing movements), train volumes, vehicular speeds, train speeds, and existing rail and traffic control.

Where the TIS identifies potentially substantially dangerous crossing conditions at at-grade railroad crossings caused by the project, measures relative to the project's traffic contribution to the crossings may be applied through project redesign and/or incorporation of the appropriate measures to reduce potential adverse impacts caused by specific housing development projects. These measures may include, without limitation, the following:

- a) Installation of grade separations at crossings, i.e., physically separating roads and railroad tracks by constructing overpasses or underpasses
- b) Improvements to warning devices at existing highway rail crossings that are impacted by project traffic
- c) Installation of additional warning signage
- d) Improvements to traffic signaling at intersections adjacent to crossings, e.g., signal preemption
- e) Installation of median separation to prevent vehicles from driving around railroad crossing gates
- f) Where sound walls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- g) Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains
- h) Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- i) Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- j) Elimination of driveways near crossings
- k) Increased enforcement of traffic laws at crossings
- l) Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).

27. Project-specific Conditions of Approval

- The loading variance for Site D is granted conditioned upon securing permits to allow off-site loading on Broadway, adjacent to Site D, from the appropriate jurisdiction(s). Failure to secure the appropriate

permits would require the applicant to either provide adequate on-site loading or seek (and obtain) an alternative variance for not meeting the on-site loading requirements for this project.

- The design guidelines for this set of approvals is contained in the Development Agreement, Exhibit C. All future permit applications resulting from this set of approvals shall be accompanied by the design guidelines contained in the Development Agreement Exhibit C, as amended.
- Pedestrian-Related Improvements:
 - Prior to Certificate of Occupancy for Site D: All-way stop control shall be installed at the Webster Street/Embarcadero intersection, including high-visibility ladder crosswalks at all intersection approaches with advance yield markings, consistent with current City of Oakland crosswalk standards for unsignalized intersections. Stop lines for vehicles shall be placed such that any stopped motorist can clearly see pedestrians intending to cross and vehicles at opposing intersection approaches.
 - Prior to Certificate of Occupancy: The following measures shall be implemented to enhance pedestrian safety:
 - Install pedestrian signal heads (with adequate time for pedestrians to cross Embarcadero) when new traffic signals are installed as part of the Project.
 - Install informational signs to indicate to pedestrians where pedestrian bridges are located.
 - Install warning signs, and/or audible signals, at parking garage access points to alert pedestrians about approaching vehicles.
 - Prior to the issuance of the first construction-related permit for either Site D or F2, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:
 - A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, Broadway, and Franklin, Alice, and 2nd Streets, including sidewalk and lane intrusions and/or closures.
 - Identification of any transit stop relocations, particularly along the Embarcadero and 2nd Street.
 - Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
 - Identification of parking eliminations and any relocation of parking for employees and public parking during construction.

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
 - Provisions for accommodation of pedestrian flow, particularly along Embarcadero.
 - Location of construction staging areas for materials, equipment, and vehicles.
 - Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
 - Temporary construction fences to contain debris and material and to secure the site.
 - Provisions for removal of trash generated by project construction activity.
 - A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaints manager.
- Compliance with the commitments made in Ellis letter, dated April 10, 2014 and included in the staff report.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

EXHIBIT A

**JACK LONDON SQUARE REDEVELOPMENT PROJECT
STANDARD CONDITIONS OF APPROVAL/
MITIGATION MONITORING AND REPORTING PROGRAM**

JACK LONDON SQUARE REDEVELOPMENT PROJECT – ADDENDUM TO THE 2004 EIR

Standard Conditions of Approval / Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the Addendum to the 2004 Environmental Impact Report (EIR) prepared for the Jack London Square Redevelopment Project in the City of Oakland. 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 Mitigation Measures recommended in the Addendum and identifies mitigation monitoring requirements. The City’s Standard Conditions of Approval (SCA) identified in the Addendum as measures that would minimize potential adverse effects that could result from the project are also included in this SCAMMRP to ensure the conditions are implemented and monitored. The SCAMMRP also lists project-specific non-CEQA Recommendations identified in the 2004 EIR to address specific environmental issues.

The SCAMMRP is presented in two parts. Part I (**pages I-1 through I-21**) presents the SCAMMRP that applies to the 2004 Approved Project, which pertains to the development of all non-residential uses throughout the Project Site. Part II (**pages II-1 through II-44**) presents the SCAMMRP that pertains only to the development of residential uses on Sites D and F2 of the Project Site.

Each Mitigation Measure is numbered according to the impact statement to which it applies in the Addendum. For example, Mitigation Measure TRANS-1 is the first mitigation measure identified to address transportation impact statement TRANS-1. The SCAs are identified with the prefix of the environmental topic and its distinct identification number in this Addendum (e.g., CUL SCA 1). (Note that SCAs were not identified in the 2004 EIR.) All Impact statements and Mitigation Measures are shown in final version, as modified from the 2004 EIR.

For each Mitigation Measure or SCA, this SCAMMRP indicates the **Implementation and Monitoring Schedule** (the timeframe during which the monitoring must occur); **Monitoring Responsibility and Responsible Implementing Entity** (the entity responsible for monitoring the required action); and the **Monitoring Procedure** (steps for monitoring the action).

**PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)**

Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
AESTHETICS, SHADOW AND WIND				
No Mitigation Measures or SCAs are required.				
AGRICULTURE AND FORESTRY RESOURCES				
No Mitigation Measures or SCAs are required.				
AIR QUALITY				
2004 Impact C.1 (updated): Activities associated with demolition, site preparation and construction of the Approved Project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.	2004 Mitigation Measures C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic enhanced dust control procedures required for sites larger than four acres (such as the proposed project) located in close proximity to sensitive receptors: <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer). • 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 (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. • Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). 	Ongoing throughout demolition, grading, and/or construction on any Site.	City of Oakland - Building Services Division, Zoning Inspection.	Review and approve plan. Confirm that all dust-control mitigation measures are being implemented.

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STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)**

Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
AIR QUALITY (cont.)				
2004 Impact C.1 (updated) (cont.)	<ul style="list-style-type: none"> • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Limit the amount of the disturbed area at any one time, where feasible. • Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas. • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. • Replant vegetation in disturbed areas as quickly as feasible. • Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction. 			
2004 Impact C.2 (updated): The Approved Project would result in an increase in ROG, NOx and PM emissions due to project-related traffic and on-site area sources.	<p>2004 Mitigation Measure C.2:</p> <p>To reduce the significance of the operational impacts of the project, the project sponsor shall implement the following mitigation measures. Mitigation measures required for reducing motor vehicle emissions are provided in <i>italics</i> followed by specific measures already included as part of the proposed project.</p> <p>Rideshare Measures</p> <p>C.2a: <i>Encourage tenants at the site to implement carpool/vanpool programs (e.g., carpool, ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, guaranteed ride home program, etc.).</i></p>	<p>Submittal prior to issuance of demolition, grading or construction permit on any Site.</p> <p>Ongoing throughout demolition, grading, and/or construction on any Site</p>	City of Oakland - Building Services Division, Zoning Inspection.	<p>City shall review and approve plan.</p> <p>Confirm that all motor vehicle emissions mitigation measures are being implemented.</p>

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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
AIR QUALITY (cont.)				
2004 Impact C.2 (updated) (cont.)	<p><i>Distribute information about the Alameda County Congestion Management Agency's Guaranteed Ride Home Program to tenants of the buildings to facilitate alternative transportation modes. As part of this program, a person who uses an alternate mode of travel, including transit or a carpool, is provided with free taxi service in the case of unexpected circumstances. These circumstances might include unscheduled overtime or a family illness or emergency.</i></p> <p>C.2b: <i>The project sponsor shall encourage tenants to implement employee rideshare incentive programs providing cash payments or pre-paid fare media such as transit passes or coupons.</i></p> <p>Transit Measures</p> <p>C.2c: <i>Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc., as determined appropriate by AC Transit.</i></p> <p>C.2d: <i>Provide preferential parking for carpool and vanpool vehicles within project parking structures/lots (e.g., near building entrance, sheltered area, etc.) to the extent that there is demand for such spaces.</i></p> <p>C.2e: <i>Encourage tenants to meet minimum employee ridesharing requirements or provide incentives for them to meet targets.</i></p> <p>C.2f: <i>Encourage tenants to implement a parking cash-out program for employees (i.e. non-driving employees receive transportation allowance equivalent to the value of subsidized parking)</i></p> <p>C.2.f.1: <i>The project sponsor shall post the schedules, fares and routes of local public transit services provided within the project vicinity, including the Water Taxi, the Ferry and AC Transit, at several publicly visible locations throughout the project site.</i></p> <p>C.2.f.2: <i>The project sponsor shall participate in current and future public transportation studies for the Jack London District sponsored by local or regional government agencies, and intended to address long term public transportation solutions/alternatives for the area.</i></p> <p>Shuttle Measures</p> <p>C.2.g <i>Provide shuttle service from project to transit stations/multimodal centers during peak hours.</i></p> <p>The project sponsor would provide a private shuttle service for employees of, and visitors to, the project site between the project site and the 12th Street BART station during peak traffic hours.</p>			

PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
AIR QUALITY (cont.)				
2004 Impact C.2 (updated) (cont.)	<p><i>Bicycle and Pedestrian Measures</i></p> <p><i>C.2h:</i> Provide adequate amount of bicycle parking at or in the vicinity of the project site.</p> <p><i>C.2.i:</i> Provide secure, weather-protected bicycle parking for employees.</p> <p><i>C.2.j:</i> Provide showers and lockers for employees bicycling or walking to work.</p> <p><i>C.2.k:</i> Provide direct safe, attractive pedestrian and bicycle access to transit stops and adjacent development.</p> <p><i>C.2.l:</i> Provide adequate street lighting within the street right of way immediately adjacent to and within the project site.</p> <p><i>C.2.l.1:</i> The project sponsor shall post information indicating the identified City of Oakland Bicycle Routes serving the project and vicinity, as well as the location of the Bay Trail, at several publicly visible locations throughout the project site.</p>			
2004 Impact C.5 (updated): The Approved Project, together with anticipated future cumulative development in Oakland and the Bay Area in general, would contribute to regional air pollution.	2004 Mitigation Measure C.5: Implement Mitigation Measure C.2 (listed above).	See Mitigation Measure C.2 (listed above).	See Mitigation Measure C.2 (listed above).	See Mitigation Measure C.2 (listed above).
BIOLOGICAL RESOURCES				
No mitigation measures or SCAs are required.				
CULTURAL RESOURCES				
2004 Impact E.1 (updated): Construction of the Approved Project may cause substantial adverse changes to the significance of currently unknown cultural resources.	2004 Mitigation Measure E.1a: The project sponsor shall retain a qualified archaeologist to conduct on-site monitoring and consultation during all ground disturbing activities. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resource shall be halted. The qualified archaeologist shall evaluate the find and assess the significance of the find. If any find is determined to be significant, representatives of the project sponsor and the qualified archaeologist shall meet to determine the	Prior to commencement of demolition, grading, and/or construction on any Site.	City of Oakland - Building Services Division, Zoning Inspection.	<p>Based on evidence provided by the applicant, confirm that a qualified archaeologist has been retained.</p> <p>Confirm that all applicable measures are being implemented or complied with.</p>

**PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
CULTURAL RESOURCES (cont.)				
2004 Impact E.1 (updated) (cont.)	appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archeologist. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.			
	2004 Mitigation Measure E.1b: In the event that human skeletal remains are uncovered during construction activities for the proposed project, the project sponsor shall immediately halt work, contact the Alameda County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City will contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities will cease until appropriate arrangements are made. The project sponsor shall identify a Native American monitor/consultant who is either a qualified archaeologist, or who shall work in conjunction with a qualified archaeologist, who shall be on call in the event that Native American remains are discovered.	Ongoing throughout demolition, grading, and/or construction on any Site.	City of Oakland - Building Services Division, Zoning Inspection.	Confirm that all applicable measures are being implemented or complied with.
2004 Impact E.2 (updated): The Approved Project may damage or degrade unidentified paleontological remains.	2004 Mitigation Measure E.2: The project proponent shall notify a qualified paleontologist of unanticipated discoveries, document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. In the event of an unanticipated discovery of a breas, true, and/or trace fossil during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, a paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	Ongoing throughout demolition, grading, and/or construction on any Site.	City of Oakland - Building Services Division, Zoning Inspection.	Based on evidence provided by the applicant, confirm that a qualified paleontologist is has been retained. Confirm that all applicable measures are being implemented or complied with.

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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
CULTURAL RESOURCES (cont.)				
2004 Impact E.3 (updated): The Approved Project would construct multiple story buildings near historic resources, risking damage to the resources during construction. These resources are: Heinold's First and Last Chance Saloon, a property listed in the National Register, California Register, and an Oakland Landmark; USS Potomac, a property listed in the National Register and an Oakland Landmark; and 101-07 Broadway, a property that may be eligible as an Oakland Landmark.	2004 Mitigation Measure E.3a: If a registered structural engineer (with geotechnical consultation as necessary) determines that, due to the nature of the existing foundation, the Heinold's First and Last Chance Saloon would significantly settle during and as a result of the construction of the Site F1 and 66 Franklin buildings, then the Heinold's building shall be underpinned or otherwise structurally supported during construction on those sites so as to avoid significant settlement.	<i>(2004 Mitigation Measure E.3a has been initially implemented with construction on Site F1 since 2004.)</i> Prior to the earlier of (i) the issuance of a grading or building permit for the 66 Franklin Building or (ii) the issuance of a grading or building permit for the Site F1 building. If required, underpinning or other structure support of Heinold's shall occur prior to the start of any building, grading or pile driving activity for Site F1.	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3a has been initially implemented with construction on Site F1 since 2004.)</i> Based on evidence provided by the applicant, confirm that the registered structural engineer is qualified. The structural engineer shall inspect the foundation of Heinold's First and Last Chance Saloon and submit its analysis to the Planning Director for review and approval.
	2004 Mitigation Measure E.3b: A protective plywood enclosure shall be constructed above and on all sides of the Heinold's building and signage and shall be in place prior to mass grading and during other construction phases as necessary, in order to protect the building from construction equipment, debris, and dust. The enclosure shall be a free standing structure without structural or other materials touching or being attached to the Heinold's building. The contractor's design and shop drawings shall be reviewed and approved by a historic preservation architect prior to construction of the protective enclosure.	<i>(2004 Mitigation Measure E.3b has been initially implemented with construction on Site F1 since 2004.)</i> Prior to mass grading and during any construction phase that may physically endanger the Heinold's building, as determined by the City.	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3b has been initially implemented with construction on Site F1 since 2004.)</i> Contractor's design and shop drawings (which shall have been approved by a historic preservation architect) shall be submitted to and approved by the City.
	2004 Mitigation Measure E.3c: A geotechnical engineer and registered structural engineer shall determine the maximum vibration that the Heinold's building could tolerate without damage to the historic integrity of the building. An evaluation of the proposed construction plans and methods shall be conducted prior to construction to determine whether vibration during the construction on the Site F1 or 66 Franklin buildings would exceed this allowable vibration threshold. No construction method or equipment that could cause the allowable vibration threshold to be exceeded shall be used. Specifically, if driven piles could cause the vibration threshold to be exceeded, they shall not be used and augured grouted piles shall be substituted. A historic preservation architect will be consulted to plan and oversee such evaluation at the applicant's expense.	<i>(2004 Mitigation Measure E.3c has been initially implemented with construction on Site F1 since 2004.)</i> Prior to the earlier of (i) issuance of a grading permit or building permit for the 66 Franklin building or (ii) issuance of a grading permit or building permit for the Site F1 building.	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3c has been initially implemented with construction on Site F1 since 2004.)</i> Based on evidence provided by the applicant, confirm that the geotechnical engineer and registered structural engineer and historic preservation architect are qualified. The engineers and historic preservation architect shall

**PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
CULTURAL RESOURCES (cont.)				
2004 Impact E.3 (updated) (cont.)				submit their evaluation and findings to the Planning Director for review and approval.
	2004 Mitigation Measure E.3d: <i>(Mitigation Measure E.3d is updated in this Addendum to incorporate current practices and technologies since 2004.)</i> Prior to the construction of the protective enclosure and any relocation of the Heinold's building, a registered structural engineer and a historic preservation architect with a minimum of five years of experience in the rehabilitation of historic buildings shall document the existing condition of the Heinold's building, including identification of existing deterioration and damage. The documentation shall include digital photographs and condition descriptions. All documentary photographs or videos shall be processed and formatted to meet Historic American Buildings Survey Photographic Standards for processing only.	<i>(2004 Mitigation Measure E.3d has been initially implemented with construction on Site F1 since 2004.)</i> Prior to the construction of the protective enclosure and any relocation of the Heinold's building. Documentation of the existing condition of the Heinold's shall occur prior to the earlier of (i) issuance of a grading permit or building permit for the 66 Franklin building or (ii) issuance of a grading permit or building permit for the Site F1 building.	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3d has been initially implemented with construction on Site F1 since 2004.)</i> All documentation shall take place and shall be submitted to the City prior to City approval of the design and shop drawings for the protective enclosure (see Mitigation Measure E.3b).
	2004 Mitigation Measure E.3e: The structural engineer and the historic preservation architect who documented the existing condition of the Heinold's building shall periodically monitor the condition of the historic resource during construction of the F1 and 66 Franklin sites. If, in the opinion of the monitoring team, substantial adverse impacts to the historic resource related to construction activities are found during construction, the monitoring team shall so inform the project sponsor and his/her representative responsible for construction of the project. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities at F1 and 66 Franklin would endanger the Heinold's historic resource.	<i>(2004 Mitigation Measure E.3e has been initially implemented with construction on Site F1 since 2004.)</i> Throughout all grading and construction activities on the F1 and 66 Franklin Sites.	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3e has been initially implemented with construction on Site F1 since 2004.)</i> Any recommendations provided by the monitoring team pursuant to this mitigation measure shall simultaneously be submitted to the City for review and approval.
	2004 Mitigation Measure E.3f: The project sponsor shall prepare and thereafter implement a construction plan setting forth procedures and monitoring methods to be used by the contractor while working near the Heinold's building during construction of the F1 and 66 Franklin sites, along with any site work within a 50 foot radius of the building. At a minimum, the plan shall address operation of construction equipment near Heinold's, storage of	<i>(2004 Mitigation Measure E.3f has been initially implemented with construction on Site F1 since 2004.)</i> Construction plan shall be prepared prior to issuance of	City of Oakland - Building Services Division, Zoning Inspection.	<i>(2004 Mitigation Measure E.3f has been initially implemented with construction on Site F1 since 2004.)</i> Construction plan shall be submitted to and approved by the City.

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CULTURAL RESOURCES (cont.)				
2004 Impact E.3 (updated) (cont.)	construction materials away from the Heinold's building, and education/training of construction workers about the significance of Heinold's First and Last Chance Saloon.	grading or building permit for F1 and 66 Franklin sites, whichever occurs first. Implementation to be monitored throughout construction activities on the F1 and 66 Franklin sites.		Compliance shall be monitored prior to and during project grading and construction.
GEOLOGY AND SOILS				
2004 Impact F.1 (updated): In the event of a major earthquake in the region, seismic ground shaking could potentially injure people and cause collapse or structural damage to proposed structures under the Approved Project.	2004 Mitigation Measure F.1: A site-specific, design level geotechnical investigation for each building (which is typical for any large development project) shall be required as part of this project. Each investigation shall include an analysis of expected ground motions at the site. The analyses shall be in accordance with applicable City ordinances and policies and consistent with the 1997 UBC (or any more recent version of the UBC adopted by the City of Oakland), which requires structural design that incorporates ground accelerations expected from known active faults. In addition, the investigations will determine final design parameters for the walls, foundations and foundation slabs. The investigations shall be reviewed by a registered geotechnical engineer. All recommendations by the project engineer and geotechnical engineer will be included in the final design. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase shall be incorporated in the project. The final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division.	Submittal with Tentative Tract or Tentative Parcel Map(s) for each Site.	City of Oakland, Building Services Division.	Review and approve site-specific, design level geotechnical investigation report and all seismic considerations for the site. Confirm that all measures from the report are in final project plans. Compliance shall be monitored prior to and during project grading and construction.
2004 Impact F.2 (updated): In the event of a major earthquake in the region, seismic ground shaking could potentially expose people and property to liquefaction and earthquake-induced settlement under the Approved Project.	2004 Mitigation Measure F.2a: Prepare an updated site specific, design level geotechnical investigation for each building site to consider the proposed project designs and provide engineering recommendations for mitigation of liquefiable soils. These recommendations shall become part of the project. Prior to incorporation into the project, geotechnical engineering recommendations from previous investigations regarding the mitigation and reduction of liquefaction for each site shall be reviewed for compliance with <i>California Geological Survey's (CGS) Geology Guidelines for Evaluating and Mitigating Seismic Hazards (CGS Special Publication 117, 1997)</i> .	Submittal with Tentative Tract or Tentative Parcel Map(s) for each Site.	City of Oakland, Building Services Division.	Review and approve site-specific, design level geotechnical investigation report and all seismic considerations for the site. Confirm that all measures from the report are in final project plans. Compliance shall be monitored prior to and during project grading and construction.

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GEOLOGY AND SOILS				
2004 Impact F.2 (updated) (cont.)				The recommendations provided in the geotechnical investigation shall constitute conditions of building permit issuance for the relevant building.
2004 Impact F.3 (updated): Development at the site under the Approved Project could be subjected to differential settlement.	2004 Mitigation Measure F.3: Geotechnical investigations and reports will be required in order to obtain permits from the City of Oakland. Such geotechnical investigations and reports prepared for the Jack London Square site shall include generally accepted and appropriate engineering techniques for determining the susceptibility of the project site to settlement and reducing its effects. Engineering recommendations shall become part of the project. In addition, the project applicant shall adhere to City grading and construction policies to reduce the potential for geologic hazards, including differential settlement and soil erosion. The project applicant shall employ Best Management Practices for reduction of soil erosion by water and wind. All construction activities and design criteria shall comply with applicable codes and requirements of the 1997 UBC with California additions (Title 22), and applicable City construction and grading ordinances.	Submittal with Tentative Tract or Tentative Parcel Map(s) for each Site.	City of Oakland, Building Services Division.	Review and approve site-specific, design level geotechnical investigation report and all seismic considerations for the site. Confirm that all measures from the report are in final project plans. Compliance shall be monitored prior to and during project grading and construction. The recommendations provided in the geotechnical investigation shall constitute conditions of building permit issuance for the relevant building.
2004 Impact F.4 (updated): Construction activities at the Approved Project area could loosen and expose surface soils. If this were to occur over the long term, exposed soils could erode by wind or rain increasing the sediment load to San Francisco Bay.	2004 Mitigation Measure F.4: During construction, the applicant shall comply with erosion and sediment control measures in accordance with City of Oakland's stormwater management requirements and construction best management practices for the reduction of pollutants in runoff and the State Water Quality Control Board National Pollution Discharge Elimination System (NPDES) requirements, including the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) incorporating Best Management Practices (BMPs). The SWPPP shall identify BMPs for implementation during construction activities, such as detention basins, straw bales, silt fences, check dams, geofabrics, drainage swales, and sandbag dikes.	Submittal prior to any grading activities on any Site. Ongoing throughout grading and construction activities.	City of Oakland - Building Services Division, Zoning Inspection.	Compliance with BMPs and the SWPPP shall be monitored during all project grading and construction. Confirm that all applicable measures are being implemented or complied with. The SWPPP shall be submitted to and approved by the City prior to the issuance of grading permits.

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GREENHOUSE GAS EMISSIONS				
No mitigation measures or SCAs are required.				
HAZARDOUS MATERIALS				
2004 Impact H.1 (updated): Disturbance and release of contaminated soil during demolition and construction phases of the Approved Project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.	2004 Mitigation Measure H.1: Implement all directives required by the July 30, 2002 and August 28, 2002 letters from the RWQCB.	30 days prior to project groundbreaking on any Site; and 30 days prior to any construction which would disturb a monitoring well.	City of Oakland, Building Services Division.	The project sponsor shall provide evidence to the City that (i) the Contingency Plan has been prepared and submitted to the RWQCB; and (ii) the certified industrial hygienist has prepared and submitted the Health and Safety Plan to the RWQCB. Compliance with Contingency Plan and Health and Safety Plan shall be monitored throughout project construction. Thirty days prior to any construction which would disturb a monitoring well, the project sponsor shall submit to City evidence that such existing monitoring well has been abandoned and that a Well Abandonment Report has submitted to the RWQCB.
2004 Impact H.2 (updated): Disturbance and release of hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) during demolition and construction phases of the Approved Project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.	2004 Mitigation Measure H.2a: A pre-demolition ACM survey shall be performed prior to demolition of the structures at 66 Franklin Street, Pavilion 2, Water I Expansion, and Site D. The survey shall include sampling and analysis of suspected ACMs identified in the 1996 hazardous material screening survey. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.	Prior to issuance of a demolition permit for structures located at 66 Franklin Street, Pavilion 2, Water I Expansion, and Site D.	City of Oakland, Building Services Division. City of Oakland Fire Prevention Bureau Hazardous Materials Unit.	A pre-demolition survey shall be performed and asbestos abatement plan shall be prepared for the applicable site shall be performed and submitted to the City for approval. Asbestos removal shall be monitored during all demolition and construction activities that could disturb ACMs on 66 Franklin Street, Pavilion 2, Water 1 Expansion and Site D.

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HAZARDOUS MATERIALS (cont.)				
2004 Impact H.2 (updated) (cont.)	<p>2004 Mitigation Measure H.2b: The project applicant shall implement a lead-based paint abatement plan, which shall include the following components:</p> <ul style="list-style-type: none"> • Development of an abatement specification approved by an Interim-Certified Project Designer. • A site Health and Safety Plan, as needed. • Containment of all work areas to prohibit off-site migration of paint chip debris. • Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition. • Appropriately remove paint chips by vacuum or other approved method. • Collection, segregation, and profiling waste for disposal determination. <p>Appropriate disposal of all hazardous and non-hazardous waste.</p>	Prior to issuance of the first demolition for the project, and compliance activities throughout demolition activities.	City of Oakland, Building Services Division.	<p>The lead-based paint abatement plan shall be completed and submitted to the City for review and approval.</p> <p>Compliance with the approved plan shall be monitored during all project demolition activities.</p>
	<p>2004 Mitigation Measure H.2c: In the event that additional electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed, and shall be disposed of by a licensed transportation and disposal facility in Class I hazardous waste landfill cells.</p>	Throughout demolition, grading or construction for the project.	City of Oakland, Building Services Division.	Compliance with the approved plan shall be monitored during all project demolition activities.
	<p>2004 Mitigation Measure H.2d: When USTs are encountered during construction, construction in the immediate area shall cease until the UST is removed and the Alameda County Local Oversight Program (Alameda LOP) is contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency.</p>	Throughout demolition, grading or construction for the project.	<p>City of Oakland, Building Services Division.</p> <p>City of Oakland Fire Prevention Bureau, Hazardous Materials Unit.</p>	<p>Compliance shall be monitored during all project demolition, grading and construction activities.</p> <p>If any USTs are found, such discovery shall be reported to the City, and documentation of Alameda LOP notification and all other removal activities shall be submitted to the City.</p>

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HAZARDOUS MATERIALS (cont.)				
2004 Impact H.3 (updated): Improper disposal of contaminated soil and hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) from the demolition and construction phases of the Approved Project could expose construction workers, the public, or the environment to adverse conditions.	2004 Mitigation Measure H.3a: Prior to off-site disposal, the project applicant shall perform additional soluble lead analyses of in-place or excavated soils to confirm the classification of the soils as a California hazardous waste material. If the soils are classified as a California hazardous waste, the project applicant shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.	Prior to off-site disposal and throughout all soil excavation and/or grading activities.	City of Oakland, Building Services Division. City of Oakland Fire Prevention Bureau, Hazardous Materials Unit.	Compliance shall be monitored during all project soil excavation activities.
	2004 Mitigation Measure H.3b: Soils that are not destined for reuse shall be characterized for disposal in accordance with the requirements of specific disposal facilities, consistent with the Directives received in the July 30, 2002 and August 28, 2002 from the Regional Water Quality Control Board to the Port of Oakland.	Throughout all soil excavation and/or grading activities.	City of Oakland, Building Services Division.	Compliance shall be monitored during all project grading and construction activities.
	2004 Mitigation Measure H.3c: Groundwater generated during construction dewatering shall be contained and transported offsite for disposal at an appropriate facility, or treated, if necessary, prior to discharge into the sanitary sewer to levels acceptable to the East Bay Municipal Utilities District.	Throughout all dewatering activities.	City of Oakland, Building Services Division.	Compliance shall be monitored during all project construction dewatering activities.
Impact H.4 (updated): Hazardous materials used on-site during the Approved Project construction activities (i.e. solvents) could be released to the environment through improper handling or storage.	2004 Mitigation Measure H.4: The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following: <ul style="list-style-type: none"> Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils. Properly dispose of discarded containers of fuels and other chemicals. 	Throughout all demolition, grading or construction for the project.	City of Oakland, Building Services Division.	Compliance shall be monitored during all project construction. Review a copy of the construction contract between the project applicant and its contractor for that building phase, evidencing compliance with this mitigation measure.
HYDROLOGY AND WATER QUALITY				
No mitigation measures or SCAs are required.				
MINERAL RESOURCES				
No mitigation measures or SCAs are required.				

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NOISE				
Impact D.1 (updated): Construction activities of the Approved Project would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.	Mitigation Measure D.1a: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. 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 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.	Throughout all construction activities.	City of Oakland, Building Services Division.	Prior to issuance of each building permit, the project applicant shall submit to the City a copy of the construction contract with its contractor for that building phase, evidencing compliance with this mitigation measure. Compliance shall be monitored throughout construction.
	Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: <ul style="list-style-type: none"> Equipment and trucks used for project construction shall employ 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 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. 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. If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance. 	Throughout all construction activities.	City of Oakland, Building Services Division.	Prior to issuance of each building permit, the project applicant shall submit to the City a copy of the construction contract with its contractor for that building phase, evidencing compliance with this mitigation measure. Compliance shall be monitored throughout construction.

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NOISE (cont.)				
Impact D.1 (updated) (cont.)	<p>Mitigation Measure D.1c: To further mitigate potential pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing 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, particularly along the eastern boundary along Alice Street to shield the adjacent multi-family residential buildings; • 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; and • Monitor the effectiveness of noise attenuation measures by taking noise measurements. 	Prior to and throughout all construction activities.	City of Oakland, Building Services Division.	Plans shall be submitted for review and approval by the City prior to issuance of the building permit for each building site, and each site shall be monitored for compliance during construction activities.
	<p>Mitigation Measure D.1d: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> • A procedure for notifying the City Building Division staff and Oakland Police Department; • A plan for posting signs on-site pertaining to permitted 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 construction complaint manager for the project; 	Prior to the issuance of the first building permit and throughout all construction activities.	City of Oakland, Building Services Division.	List of measures as specified shall be submitted to and approved by City prior to issuance of each building permit; sites shall be monitored for compliance during construction activities.

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NOISE (cont.)				
Impact D.1 (updated) (cont.)	<ul style="list-style-type: none"> Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 			
POPULATION AND HOUSING				
No mitigation measures or SCAs are required.				
PUBLIC SERVICES AND RECREATION				
No mitigation measures or SCAs are required.				
TRANSPORTATION, CIRCULATION, AND PARKING				
Impact TRANS-1: The addition of Approved Project traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during the PM peak hour at the Webster Street / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Existing plus Approved Project Conditions.	Mitigation Measure TRANS-1: All-way stop control shall be installed at the Webster Street / Embarcadero intersection, including high-visibility ladder crosswalks at all intersection approaches with advance yield markings, consistent with current City of Oakland crosswalk standards for unsignalized intersections. Stop lines for vehicles shall be placed such that any stopped motorist can clearly see pedestrians intending to cross, and vehicles at opposing intersection approaches.	Prior to issuance of Certificate of Occupancy for the first building on any Site, submit Plans, Specifications, and Estimates (PS&E).	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E. Confirm that improvements are designed and implemented pursuant to approved PS&E.
Impact TRANS-4: The addition of Approved Project traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during the PM peak hour at the Webster Street / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Cumulative Year 2035 plus Approved Project Conditions.	Mitigation Measure TRANS-4: Implement Mitigation Measure TRANS-1. Implementation of this measure would reduce the impact to a less-than-significant level.	See Mitigation Measure TRANS-1.	See Mitigation Measure TRANS-1.	See Mitigation Measure TRANS-1.

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TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
<p>Impact TRANS-5: The addition of Approved Project traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during both peak hours at the Oak Street / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Cumulative Year 2035 plus Approved Project Conditions.</p>	<p>Mitigation Measure TRANS-5: Implement Mitigation Measure TRANS-2, which requires the installation of traffic signals at the unsignalized Oak Street / Embarcadero intersection. Signalization would reduce average intersection delay to LOS B levels during both AM and PM peak hours, mitigating the project's contribution to the impact at this location.</p>	<p>Prior to issuance of Certificate of Occupancy for the first building on any Site, the need for this mitigation shall be investigated to determine whether the then-existing traffic counts plus the proposed building requires signalization. If it does, submit Plans, Specifications, and Estimates (PS&E); otherwise, study the impacts every three years until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>If the investigation in 2035 shows this mitigation is still required, implement approved improvements identified in the PS&E.</p>	<p>Oakland Public Works Agency, Traffic Services Division.</p> <p>City of Oakland- Building Services Division, Zoning Inspection.</p>	<p>Review and approve pre-Site D and pre-Site F2 construction investigations and every three years post-construction investigations.</p> <p>Review and approve PS&E.</p> <p>Confirm that improvements are designed and implemented pursuant to approved PS&E.</p>
<p>Impact TRANS-6: The addition of Approved Project traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during both peak hours at the 5th Avenue / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Cumulative Year 2035 plus Approved Project Conditions.</p>	<p>Mitigation Measure TRANS-6: Implement Mitigation Measure TRANS-3, as follows:</p> <p>Mitigation Measure TRANS-3:</p> <p>The following improvements are required to mitigate this impact to a less than significant level:</p> <ol style="list-style-type: none"> 1. Install traffic signals at the unsignalized 5th Avenue / Embarcadero intersection. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (i.e. allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. 2. Widen Embarcadero at the 5th Avenue / Embarcadero intersection from one travel lane in each direction into two travel lanes in each direction. 	<p>Item #1 has already been fulfilled by the Project sponsor. Item #2 will be fulfilled (if necessary) by the Oak to 9th Project.</p>	<p>N/A</p>	<p><i>(The project sponsor has already fully complied with Mitigation TRANS-6.)</i></p>

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TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
Impact TRANS-6 (cont.)	Implementation of signalization and widening at the 5th Avenue / Embarcadero intersection would reduce the impact to a less-than-significant level. Implementation of this measure would reduce the impact to a less-than-significant level.			
Impact TRANS-7 (previously 2004 Impact B.9): The Project (Approved Project) would increase the potential for conflicts among different traffic streams.	Mitigation Measure TRANS-7 (previously 2004 MM B.9a): The project sponsor shall design vehicular traffic features of Project development (e.g., turning radii for buses and service vehicles, Project parking garage access driveways, and circulation aisles within the parking garages) to meet the design standards set forth by the American Association of State Highway and Transportation Officials (AASHTO) in <i>A Policy on Geometric Design of Highways and Streets</i> , or other design standards deemed appropriate by the City of Oakland.	Prior to the issuance of each building permit for the project.	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	City shall review and approve the construction plans, confirm that improvements are designed and implemented pursuant to the measure.
Impact TRANS-8: The Project (Approved Project) would increase the potential for pedestrian conflicts.	Mitigation Measure TRANS-8: The following measures shall be implemented to mitigate the potential safety impact: <ul style="list-style-type: none">• Install pedestrian signal heads (with adequate time for pedestrians to cross Embarcadero) when new traffic signals are installed as part of the Project.• Install informational signs to indicate to pedestrians where pedestrian bridges are located.• Install warning signs, and/or audible signals, at parking garage access points to alert pedestrians about approaching vehicles.	Informational signs and warning signs shall be installed prior to issuance of Certificate of Occupancy for the relevant buildings. Pedestrian signal heads shall be installed for the relevant traffic signals when such signals are installed as part of the Project.	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	City shall confirm that improvements are designed and implemented pursuant to the measure.
Impact TRANS-9 (previously 2004 EIR Impact B.12): Project construction (Approved Project) would affect traffic flow and circulation, parking, and pedestrian safety.	Mitigation Measure TRANS-9 (previously 2004 MM B.12): Prior to the issuance of each building permit, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements: <ul style="list-style-type: none">• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic	Traffic management strategy meetings shall take place prior to the issuance of each building permit on any Site. Construction management plan shall be submitted, reviewed and approved prior to issuance of first grading permit. Compliance with plan requirements shall be continuous throughout the course of grading and construction.	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the construction management plan. Confirm that all applicable measures are being implemented or complied with per the approved plan.

**PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)**

Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
Impact TRANS-9 (previously 2004 EIR Impact B.12) (cont.)	<p>hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, Broadway, and Franklin, Alice, and 2nd Streets, including sidewalk and lane intrusions and/or closures.</p> <ul style="list-style-type: none"> • Identification of any transit stop relocations, particularly along the Embarcadero and 2nd Street. • Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces. • Identification of parking eliminations and any relocation of parking for employees and public parking during construction. • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. • Provisions for accommodation of pedestrian flow, particularly along Embarcadero. • Location of construction staging areas for materials, equipment, and vehicles. • Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant. • Temporary construction fences to contain debris and material and to secure the site. • Provisions for removal of trash generated by project construction activity. • A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. 			

PART I – DEVELOPMENT OF 2004 APPROVED PROJECT
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Environmental Impact	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
UTILITIES AND SERVICES SYSTEMS				
2004 Impact K.3 (updated): Construction of the proposed Approved Project could impede the ability of the City of Oakland to meet the waste diversion requirements of the California Integrated Waste Management Act (AB 939) or the Alameda County Waste Reduction and Recycling Initiative (Measure D).	2004 Mitigation Measure K.3: The project sponsor shall prepare, submit to the City for approval, and implement during construction a Construction and Demolition Debris Waste Reduction and Recycling Plan. The project sponsor shall divert a minimum of 50 percent of the construction and demolition debris from each stage of the project. This percentage is to be based on the City of Oakland's method for calculating diversion by total volume or weight as described in Oakland Municipal Code Section 15.34.050.	Prior to issuance of the first building or demolition permit for the first building on any Site, and then throughout construction activity.	City of Oakland - Building Services Division, Zoning Inspections. City of Oakland, Public Works, Environmental Services.	Review and approve WRRP and ODP requirements; Confirm implementation of the WRRP and ODP during construction. Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility.
2004 Impact K.5 (updated): Operation of the proposed Approved Project would increase the amount of solid waste generated in the City of Oakland, and could impede the City's ability to meet the diversion rate requirements of AB 939 and Measure D.	2004 Mitigation Measure K.5: Adequate storage space for recyclable and compostable materials shall be provided in each project building. The design, location and maintenance of recycling collection and storage areas shall substantially comply with the provision of the Oakland City Planning Commission's <i>Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas</i> , Policy No. 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each 1,000 square feet of commercial space. In addition, the project sponsor shall be required to contract with a recycling pickup service.	Prior to issuance of the first building permit for the first building on any Site, and then throughout operation of the Project.	City of Oakland - Building Services Division, Zoning Inspections.	City shall review and approve storage space plans for compliance with this measure. Compliance shall be monitored throughout project operations.

END OF PART I – DEVELOPMENT OF 2004 APPROVED PROJECT

PART II – DEVELOPMENT OF RESIDENTIAL USES ON SITES D AND/OR F2
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
AESTHETICS, SHADOW AND WIND				
	<p>SCA AES-1: Landscape Requirements for Street Frontages. <i>Prior to issuance of a final inspection of the building permit.</i> On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.</p>	Prior to issuance of a final inspection of the building permit for buildings on Sites D and/or F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	Review and approve plans. Confirm implementation of the landscape features along street frontages.
	<p>SCA AES-2: Landscape Maintenance <i>Ongoing.</i> All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	Ongoing throughout the Project for Sites D and/or F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	Confirm condition of landscape and irrigation systems.
	<p>SCA AES-3: Lighting Plan <i>Prior to the issuance of an electrical or building permit.</i> The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.</p>	Submittal prior to the issuance of an electrical or building permit for a building on Sites D and/or F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Public Works Agency, Electrical Services Division	Review and approve plans. Confirm implementation of the lighting design consistent with the plans.
AGRICULTURE AND FORESTRY RESOURCES				
No mitigation measures or SCAs are required.				
AIR QUALITY				
Maximum Residential Scenario	<p>SCA AIR-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p> <p><i>Ongoing throughout demolition, grading, and/or construction.</i> During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the BAAQMD:</p> <p>BASIC (Applies to ALL construction sites:</p> <p>a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used</p>	Ongoing throughout demolition, grading, and/or construction on Site D and/or Site F2 (residential use only)	City of Oakland - Building Services Division, Zoning Inspection.	Review and approve plan. Confirm that all dust-control mitigation measures are being implemented

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	whenever possible.			
AIR QUALITY (cont.)				
Maximum Residential Scenario (cont.)	<ul style="list-style-type: none"> b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f) Limit vehicle speeds on unpaved roads to 15 miles per hour. g) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points. h) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.) i) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. j) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage. k) Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if 			

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	<p>feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.</p> <p>ENHANCED: All "Basic" controls listed above plus the following controls if the project involves:</p> <ul style="list-style-type: none"> i. 114 or more single-family dwelling units; ii. 240 or more multi-family units; iii. Nonresidential uses that exceed the applicable screening size listed in the Bay Area Air Quality Management District's CEQA Guidelines; iv. Demolition permit; v. Simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); vi. Extensive site preparation (i.e., the construction site is four acres or more in size); or vii. Extensive site transport (i.e., 10,000 or more cubic yards of soil import/export). <p>l) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p>			
AIR QUALITY (cont.)				
Maximum Residential Scenario (cont.)	<ul style="list-style-type: none"> m) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph. n) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). p) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. q) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity. r) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and 			

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	<p>watered appropriately until vegetation is established.</p> <p>s) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>t) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>u) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>v) Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>w) All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p>			
AIR QUALITY (cont.)				
Maximum Residential Scenario (cont.)	<p>x) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.</p> <p>y) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</p>			
Air Quality – Operations (Project and Cumulative): 2014 Modified Project, Maximum Residential Scenario.	<p>SCA TRANS-1: Parking and Transportation Demand Management</p> <p><i>Prior to issuance of a final inspection of the building permit.</i> The property owner shall pay for and submit for review and approval by the City a Transportation Demand Management (TDM) plan containing strategies to</p> <p>1) Reduce the amount of traffic generated by new development and the expansion of existing development, pursuant to the City's police power and necessary in order to protect the public health, safety and welfare.</p> <p>2) Ensure that expected increases in traffic resulting from growth in employment and housing opportunities in the City of Oakland will be adequately mitigated.</p>	<p>Submittal prior to issuance of a final inspection of the building permit for Site D and/or Site F2 (residential use only).</p> <p>Submittal of additional approved TDM reports as needed per approved TDM plan.</p>	<p>City of Oakland Department of Planning & Building.</p> <p>City of Oakland - Building Services Division, Zoning Inspection.</p> <p>Oakland Public Works Agency, Traffic Services Division</p>	<p>Review and approve the TDM plan.</p> <p>Confirm items necessary to be implemented during construction.</p> <p>Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan.</p>

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	<p>3) Reduce drive-alone commute trips during peak traffic periods by using a combination of services, incentives, and facilities.</p> <p>4) Promote more efficient use of existing transportation facilities and ensure that new developments are designed in ways to maximize the potential for alternative transportation usage.</p> <p>5) Establish an ongoing monitoring and enforcement program to ensure that the desired alternative mode use percentages are achieved.</p> <p>The property owner shall implement the approved TDM plan. The TDM plan shall include strategies to increase bicycle, pedestrian, transit, and carpools / vanpool use. All four modes of travel shall be considered, and parking management and parking reduction strategies should be included. Actions to consider include 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 <i>Bicycle Master Plan</i>, and Bicycle Parking Ordinance, shower, and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the <i>Bicycle Master Plan</i>; construction of priority Bikeway Projects, on-site signage and bike lane striping. 			
AIR QUALITY (cont.)				
<p>Air Quality – Operations (Project and Cumulative): 2014 Modified Project, Maximum Residential Scenario.</p> <p>(cont.)</p>	<ul style="list-style-type: none"> • Installation of safety elements per the <i>Pedestrian Master Plan</i> (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials. • Installation of amenities such as lighting, street trees, trash receptacles per the <i>Pedestrian Master Plan</i> 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). • Employees or residents can be provided with a subsidy, determined by the property owner and subject to review by the City, if the employees or residents use transit or commute by other alternative modes. 			

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	<ul style="list-style-type: none"> Provision of shuttle service between the development and nearest mass transit station, or ongoing contribution to existing shuttle or public transit services. 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. Onsite carpooling and/or vanpooling 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. 			
AIR QUALITY (cont.)				
Air Quality – Operations (Project and Cumulative): 2014 Modified Project, Maximum Residential Scenario. (cont.)	<ul style="list-style-type: none"> 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. 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 property owner shall submit an annual compliance report for review and approval by the City. This report will be reviewed either by City staff (or a peer review consultant, chosen by the City and paid for by the property owner). If timely reports are not submitted, the reports indicate a failure to achieve the stated policy goals, or the required alternative mode split is still not achieved, staff will work with the property owner to find ways to meet their commitments and</p>			

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	achieve trip reduction goals. If the issues cannot be resolved, the matter may be referred to the Planning Commission for resolution. Property owners shall be required, as a condition of approval, to reimburse the City for costs incurred in maintaining and enforcing the trip reduction program for the approved Project.			
BIOLOGICAL RESOURCES				
Biological Resources – Trees: 2014 Modified Project, Maximum Residential Scenario.	SCA BIO-1: Tree Removal Permit <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.	Prior to issuance of a demolition, grading or building permit for Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Public Works Agency-Tree Services Division.	Confirm issuance of a tree removal permit and that all conditions of that permit are being implemented and complied with.
	SCA: BIO-2: Tree Replacement Plantings <i>Prior to issuance of a final inspection of the building permit.</i> Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria: a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.	Submittal of landscape plan prior to issuance of a final building permit for Site D and/or Site F2 (residential use only). Plantings must be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints.	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Public Works Agency-Tree Services Division.	Review and approve landscape and tree replacement plan. Confirm implementation of the landscape and tree replacement plan.
BIOLOGICAL RESOURCES (cont.)				
Biological Resources – Trees: 2014 Modified Project, Maximum Residential Scenario. (cont.)	b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division. c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. d) Minimum planting areas must be available on site as follows: i. For Sequoia sempervirens, three hundred fifteen square feet per tree; ii. For all other species listed in #2 above, seven hundred (700) square feet per tree. e) In the event that replacement trees are required but cannot be			

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	<p>planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.</p>			
Biological Resources: Bird Collision: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA BIO-3: Bird Collision Reduction <i>Prior to issuance of a building permit and ongoing.</i> The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.</p> <p>a) Mandatory measures include <u>all</u> of the following:</p>	<p>Prior to issuance of a building permit for Site D and/or Site F2 (residential use only) and ongoing.</p>	<p>City of Oakland - Building Services Division, Zoning Inspection.</p> <p>City of Oakland Public Works Agency-Tree Services Division.</p>	<p>Review and approve bird collision reduction plan.</p> <p>Confirm implementation of bird collision reduction plan.</p>
BIOLOGICAL RESOURCES (cont.)				
Biological Resources: Bird Collision: 2014 Modified Project, Maximum Residential Scenario. (cont.)	<ol style="list-style-type: none"> i. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking 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. <p>b) Additional BMP strategies to consider include the following:</p> <ol style="list-style-type: none"> i. Make clear or reflective glass visible to birds using visual noise techniques. Examples include: <ol style="list-style-type: none"> 1. Use of opaque or transparent glass in window panes 			

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	<p>instead of reflective glass.</p> <ol style="list-style-type: none"> 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm). 3. Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance). 4. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less. 5. Place decorative grilles or louvers with spacing of 10 cm or less. 6. Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside. 7. Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. 8. Install windows which have the screen on the outside of the glass. 9. Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans. 			
BIOLOGICAL RESOURCES (cont.)				
Biological Resources: Bird Collision: 2014 Modified Project, Maximum Residential Scenario. (cont.)	<ol style="list-style-type: none"> 10. If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity. ii. Mute reflections in glass. Examples include: <ol style="list-style-type: none"> 1. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees). 2. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections. iii. Reduce Light Pollution. Examples include: <ol style="list-style-type: none"> 1. Turn off all unnecessary interior lights from 11 p.m. to sunrise. 2. Install motion-sensitive lighting in lobbies, work stations, 			

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	<p>walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.</p> <p>3. Reduce perimeter lighting whenever possible.</p> <p>iv. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:</p> <ol style="list-style-type: none"> 1. Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws. 2. Production of educational materials on bird-safe practices for the building occupants. 3. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day. 4. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible. 			
CULTURAL RESOURCES				
Historic Architectural Resources: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA NOI-7: Vibration</p> <p>(See SCA NOI-7 under <i>Noise</i>, below.)</p>	(See SCA NOI-7 under <i>Noise</i> , below.)		
Archaeological Resources, Human Remains and Paleontological Resources: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA CUL-1: Archaeological Resources</p> <p><i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis,</p>	Ongoing throughout demolition, grading, and/or construction of Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	<p>Based on evidence provided by the applicant, confirm that a qualified archaeologist has been retained.</p> <p>Confirm that all applicable measures are being implemented or complied with.</p>

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	<p>professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light 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) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.</p> <p>c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance</p>			
CULTURAL RESOURCES (cont.)				
Archaeological Resources, Human Remains and Paleontological Resources: 2014 Modified Project, Maximum Residential Scenario. (cont.)	measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.			
	<p>SCA CUL-2: Human Remains</p> <p><i>Ongoing throughout demolition, grading, and/or construction.</i> In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines 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 Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an</p>	<p>Ongoing throughout demolition, grading, and/or construction of Site D and/or Site F2 (residential use only).</p> <p>In the event that human skeletal remains are uncovered during construction or ground-breaking activities, all work shall immediately halt. If applicable, monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.</p>	City of Oakland - Building Services Division, Zoning Inspection.	<p>Review and approve qualified paleontologist.</p> <p>Confirm required agency notifications and consultations if resources are found.</p> <p>Review and approve the excavation plan and confirm the plan is implemented and all applicable measures are being implemented or complied with.</p>

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	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.			
	<p>SCA CUL-3: Paleontological Resources</p> <p><i>Ongoing throughout demolition, grading, and/or construction.</i> In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	<p>Ongoing throughout demolition, grading, and/or construction of Site D and/or Site F2 (residential use only).</p> <p>Upon discovery of paleontological resources, cease construction until examination by a qualified paleontologist and submittal of a discovery and excavation plan prior to resuming construction.</p>	City of Oakland - Building Services Division, Zoning Inspection.	<p>Review and approve qualified paleontologist.</p> <p>Confirm required agency notifications and consultations if resources are found.</p> <p>Review and approve the excavation plan and confirm the plan is implemented and all applicable measures are being implemented or complied with.</p>
GEOLOGY AND SOILS				
Geology and Soils: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA GEO-1: Soils Report</p> <p><i>Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.</i></p> <p>A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <p>A. Logs of borings and/or profiles of test pits and trenches:</p> <ul style="list-style-type: none"> a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. c) All boring logs shall be included in the soils report. 	Submittal with Tentative Tract or Tentative Parcel Map(s) for Site D and/or Site F2 (residential use only).	City of Oakland, Building Services Division.	<p>Review and approve site-specific, design level geotechnical investigation report.</p> <p>Review and approve measures from the report are in final project plans.</p> <p>Confirm all measures are being implemented or complied with during construction.</p>

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	<p>B. Test pits and trenches</p> <p>a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</p> <p>b) Soils profiles of all test pits and trenches shall be included in the soils report.</p> <p>C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</p> <p>D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:</p> <p>a) Site description;</p>			
GEOLOGY AND SOILS (cont.)				
<p>Geology and Soils: 2014 Modified Project, Maximum Residential Scenario.</p> <p>(cont.)</p>	<p>b) Local and site geology;</p> <p>c) Review of previous field and laboratory investigations for the site;</p> <p>d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;</p> <p>e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;</p> <p>f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;</p> <p>g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;</p> <p>h) All other items which a Soils Engineer deems necessary;</p>			

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	<p>i) The signature and registration number of the Civil Engineer preparing the report.</p> <p>E. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p>			
	<p>SCA GEO-2: Geotechnical Report</p> <p><i>Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.</i></p> <p>a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:</p> <p>i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses</p>	Submittal with Tentative Tract or Tentative Parcel Map(s) for Site D and/or Site F2 (residential use only).	City of Oakland, Building Services Division.	<p>Review and approve site-specific, design level geotechnical investigation report.</p> <p>Review and approve measures from the report are in final project plans.</p> <p>Confirm all measures are being implemented or complied with during construction.</p>
GEOLOGY AND SOILS (cont.)				
<p>Geology and Soils: 2014 Modified Project, Maximum Residential Scenario.</p> <p>(cont.)</p>	<p>shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</p> <p>ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</p> <p>iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.</p> <p>iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate</p>			

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	<p>to the best of their knowledge.</p> <p>v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p> <p>vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>			
	<p>SCA HYD-2: Stormwater Pollution Prevention Plan (SWPPP)</p> <p>(See SCA HYD-2 under <i>Hydrology and Water Quality</i>, below.)</p>	<p>(See SCA HYD-2 under <i>Hydrology and Water Quality</i>, below.)</p>		
GREENHOUSE GAS EMISSIONS				
No mitigation measures or SCAs are required.				
HAZARDOUS MATERIALS				
<p>Hazardous Materials – Construction. 2014 Modified Project, Maximum Residential Scenario Only.</p>	<p>SCA HAZ-1: Hazards Best Management Practices</p> <p><i>Prior to the commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <p>a) Follow manufacturers' recommendations on use, storage, and disposal of chemical products used in construction;</p> <p>b) Avoid overtopping construction equipment fuel gas tanks;</p> <p>c) During routine maintenance of construction equipment, properly contain and remove grease and oils;</p> <p>d) Properly dispose of discarded containers of fuels and other chemicals.</p> <p>e) Ensure that construction would not have a significant impact on</p>	<p>Prior to issuance of demolition, grading, or building permit for Site D and/or Site F2 (residential use only).</p> <p>Ongoing through demolition, grading and construction activities.</p>	<p>City of Oakland - Building Services Division, Zoning Inspection.</p>	<p>Review and approve practices.</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>

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	<p>the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.</p> <p>f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>			
HAZARDOUS MATERIALS (cont.)				
Hazardous Materials – Construction. 2014 Modified Project, Maximum Residential Scenario Only. (cont.)	SCA HAZ-2: Asbestos Removal in Structures. <i>Prior to issuance of a demolition permit.</i> If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	Prior to issuance of a demolition permit for Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Fire Prevention Bureau, Hazardous Materials Unit.	Confirm that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations and with all applicable measures.
	SCA HAZ-3: Site Review by the Fire Services Division. <i>Prior to the issuance of demolition, grading or building permit.</i> The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.	Submittal prior to issuance of a demolition, grading, or building permit for Site D and/or Site F2 (residential uses only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Fire Prevention Bureau Hazardous Materials Unit.	Review and approve the comprehensive assessment report detailing materials classified as hazardous waste.

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	<p>SCA HAZ-4: Phase I and/or Phase II Reports <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p>	<p>Submittal with Phase I and/or Phase II documents, prior to issuance of a demolition, grading or building permit for Site D and/or Site F2 (residential use only).</p> <p>Ongoing if remediation actions are recommended.</p>	<p>City of Oakland - Building Services Division, Zoning Inspection.</p> <p>City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit.</p>	<p>Review documents indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.</p> <p>Confirm implementation of remedial actions if recommended.</p>
	<p>SCA HAZ-5: Lead-based Paint/Coatings, Asbestos, or PCB Occurrence Assessment <i>Prior to issuance of any demolition, grading or building permit.</i> The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit for Site D and/or Site F2 (residential uses only).</p>	<p>City of Oakland - Building Services Division, Zoning Inspection.</p> <p>City of Oakland Fire Prevention Bureau Hazardous Materials Unit.</p>	<p>Review and approve the comprehensive assessment report detailing materials classified as hazardous waste.</p>

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HAZARDOUS MATERIALS (cont.)				
Hazardous Materials – Construction. 2014 Modified Project, Maximum Residential Scenario Only. (cont.)	SCA HAZ-6: Environmental Site Assessment Reports Remediation <i>Prior to issuance of a demolition, grading, or building permit.</i> If the environmental site assessment reports recommend remedial action, the project applicant shall: a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.	Submittal prior to issuance of a demolition, grading, or building permit for Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Fire Prevention Bureau Hazardous Materials Unit.	Review written evidence of approval for any remedial actions required has been obtained and that Remediation Action Plan has been adequately prepared. Review and approve Construction-Phase Risk Management Plan.
	SCA HAZ-11: Radon or Vapor Intrusion from Soil or Groundwater Sources <i>Ongoing.</i> The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.	Submittal with Phase I and/or Phase II documents, prior to issuance of a demolition, grading or building permit for Site D and/or Site F2 (residential use only). Ongoing if remediation actions are recommended.	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit.	Review documents indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports. Confirm implementation of remedial actions if recommended.
	SCA HAZ-12: Hazardous Materials Business Plan <i>Prior to issuance of a business license.</i> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as	Prior to issuance of a business license.	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland Fire Prevention Bureau, Hazardous Materials Unit.	Review and approve plan.

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HAZARDOUS MATERIALS (cont.)				
Hazardous Materials – Construction. 2014 Modified Project, Maximum Residential Scenario Only. (cont.)	<p>applicable. The purpose of the Hazardous Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:</p> <ul style="list-style-type: none"> a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b) The location of such hazardous materials. c) An emergency response plan including employee training information. d) A plan that describes the manner in which these materials are handled, transported and disposed. 			
HYDROLOGY AND WATER QUALITY				
Water Quality, Supply and Drainage/Flooding: 2014 Modified Project, Maximum Residential Scenario) Maximum Residential Scenario	<p>SCA HYD-1: Erosion and Sedimentation Control Plan</p> <p><i>Prior to any grading activities.</i> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p>	<p>Prior to any grading activities on Site D and/or Site F (residential uses only).</p>	<p>City of Oakland Department of Planning & Building.</p> <p>City of Oakland - Building Services Division, Zoning Inspection.</p>	

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HYDROLOGY AND WATER QUALITY (cont.)				
Water Quality, Supply and Drainage/Flooding: 2014 Modified Project, Maximum Residential Scenario (cont.)	<i>Ongoing throughout grading and construction activities.</i> The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.			
	SCA HYD-2: Stormwater Pollution Prevention Plan (SWPPP) <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	Submit copy of approved SWPPP prior to issuance of first building permit for Site D and/or Site F2 (residential use only). Ongoing throughout demolition, grading, and/or construction activities on Site D and/or Site F2.	City of Oakland Department of Planning & Building. City of Oakland - Building Services Division, Zoning Inspection.	Submit copy of approved SWPPP prior to issuance of first building permit. Ongoing throughout demolition, grading, and/or construction activities.
	SCA HYD-3: Post-Construction Stormwater Management Plan <i>Prior to issuance of building permit (or other construction-related permit).</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.	Submit plan prior to issuance of building permit (or other construction-related permit) for Site D and/or Site F2 (residential use only). Implement prior to final building permit inspection for Site D and Site F2 (residential use only).	City of Oakland Department of Planning & Building. City of Oakland - Building Services Division, Zoning Inspection.	Review and approve Post-Construction Stormwater Management Plan. Confirm all measures in the Plan are being implemented or complied with.

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HYDROLOGY AND WATER QUALITY (cont.)				
Water Quality, Supply and Drainage/Flooding: 2014 Modified Project, Maximum Residential Scenario) Maximum Residential Scenario (cont.)	<p>a) The post-construction stormwater management plan shall include and identify the following:</p> <ul style="list-style-type: none"> ▪ All proposed impervious surface on the site; ▪ Anticipated directional flows of on-site stormwater runoff; and ▪ Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and ▪ Source control measures to limit the potential for stormwater pollution; ▪ Stormwater treatment measures to remove pollutants from stormwater runoff; and ▪ Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit. <p>b) The following additional information shall be submitted with the post-construction stormwater management plan:</p> <ol style="list-style-type: none"> i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project. <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p> <p><i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater management plan.</p>			

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	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
HYDROLOGY AND WATER QUALITY (cont.)				
Water Quality, Supply and Drainage/Flooding: 2014 Modified Project, Maximum Residential Scenario (cont.)	SCA HYD-4: Maintenance Agreement for Stormwater Treatment Measures <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following: i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.	Submittal prior to final zoning inspection on Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection. City of Oakland, Public Works Agency, Sewer & Stormwater Division.	Review and approve the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit. Confirm recordation at County Recorder's Office.
MINERAL RESOURCES				
No mitigation measures or SCAs are required.				
NOISE				
Construction Noise: 2014 Modified Project, Maximum Residential Scenario.	NOI SCA 1: Days/Hours of Construction Operation <i>Ongoing throughout demolition, grading, and/or construction.</i> The project applicant shall require construction contractors to limit standard construction activities as follows: a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is	Ongoing throughout demolition, grading, and/or construction for Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	Confirm that all applicable measures are being implemented and complied with.

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NOISE (cont.)				
<p>Construction Noise: 2014 Modified Project, Maximum Residential Scenario.</p> <p>(cont.)</p>	<p>acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <ul style="list-style-type: none"> i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed. <p>d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e) No construction activity shall take place on Sundays or Federal holidays.</p> <p>f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>g) Applicant shall use temporary power poles instead of generators where feasible.</p>			
	<p>NOI SCA 2: Noise Control</p> <p><i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:</p> <p>a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers,</p>	<p>Submittal prior to, and ongoing throughout demolition, grading, and/or construction for Site D and/or Site F2 (residential use only).</p>	<p>City of Oakland - Building Services Division, Zoning Inspection</p>	<p>Review and approve noise reduction plan.</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>

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NOISE (cont.)				
Construction Noise: 2014 Modified Project, Maximum Residential Scenario. (cont.)	<p>equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c) 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 use other measures as determined by the City to provide equivalent noise reduction.</p> <p>d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p>			
	<p>NOI SCA 3: Noise Complaint Procedures</p> <p><i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <p>a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</p> <p>b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);</p>	<p>Submit list prior to the issuance of a building permit on Site D and/or Site F2 (residential use only).</p> <p>Ongoing throughout demolition, grading, and/or construction on Site D and/or Site F2 (residential use only).</p>	<p>City of Oakland - Building Services Division, Zoning Inspection</p>	<p>Review and approve the list of measures to respond to and track complaints pertaining to construction noise.</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>

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NOISE (cont.)				
Construction Noise: 2014 Modified Project, Maximum Residential Scenario. (cont.)	c) The designation of an on-site construction complaint and enforcement manager for the project; d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.			
	SCA NOI-4: Pile Driving and Other Extreme Noise Generators <i>Ongoing throughout demolition, grading, and/or construction.</i> To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity: a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) 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;	Submit noise recommendations prior to the issuance of a building permit and Certificate of Occupancy for Site D and/or Site F2 (residential use only). Ongoing throughout demolition, grading, and/or construction on Site D and/or F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	Review and approve qualified acoustical engineer. Review and approve recommendations and final project plans with noise reduction measures. Confirm all measures are being implemented or complied with. Review and approve confirmation by acoustical consultant.

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	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
NOISE (cont.)				
Construction Noise: 2014 Modified Project, Maximum Residential Scenario. (cont.)	c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.			
	<p>NOI SCA 7: Pile Driving and Other Extreme Noise Generators <i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <p>f) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>g) 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;</p> <p>h) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p>	<p>Submit plan prior to commencing construction activities involving pile driving or other extreme noise generators on Site D and/or Site F2 (residential uses only).</p> <p>Ongoing throughout demolition, grading, and/or construction on Site D and/or F2 (residential use only).</p>	City of Oakland - Building Services Division, Zoning Inspection.	Verify that all noise generating equipment on the site during construction on Site D and/or F2 (residential use only) achieves maximum feasible noise attenuation and that all site-specific attenuation measures are implemented in accordance with the plan.

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NOISE (cont.)				
Construction Noise: 2014 Modified Project, Maximum Residential Scenario. (cont.)	i) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and j) Monitor the effectiveness of noise attenuation measures by taking noise measurements.			
Operational Noise / Interior Noise Levels: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA NOI-5: Interior Noise</p> <p><i>Prior to issuance of a building permit.</i> If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies would depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:</p> <p>(a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and</p> <p>(b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.</p> <p>(c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:</p> <p>i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.</p> <p>ii. Prohibition of Z-duct construction.</p>	Prior to issuance of a building permit and Certificate of Occupancy for Site D and/or Site F2 (residential use only).	City of Oakland - Building Services Division, Zoning Inspection.	Review and approve qualified acoustical engineer. Review and approve recommendations and final project plans with noise reduction measures. Confirm all measures are being implemented or complied with. Review and approve confirmation by acoustical consultant.

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NOISE (cont.)				
Operational Noise / Interior Noise Levels: 2014 Modified Project, Maximum Residential Scenario. (cont.)	SCA NOI-6: Operational Noise - General <i>Ongoing</i> . Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.	Ongoing during operations on Site D and/or Site F2 (residential use only).	City of Oakland- Building Services Division, Zoning Inspection.	Verify that all noise generating equipment on the site during operation of the project does not exceed levels pursuant to the applicable performance standards in the Oakland Planning Code and Oakland Municipal Code.
POPULATION AND HOUSING				
No mitigation measures or SCAs are required.				
PUBLIC SERVICES AND RECREATION				
No mitigation measures or SCAs are required.				
TRANSPORTATION, CIRCULATION, AND PARKING				
Impact TRANS-2: The addition of 2014 Modified Project (Maximum Residential Scenario) traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during both peak hours at the Oak Street / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Cumulative Year 2035 plus Project 2014 Modified Project Conditions (Maximum Residential Scenario).	Mitigation Measure TRANS-2: Install traffic signals at the unsignalized Oak Street / Embarcadero intersection. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (i.e. allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Prior to issuance of Certificate of Occupancy for the first building on <i>Sites D or F2 (residential use only)</i> , the need for this mitigation shall be investigated to determine whether the then-existing traffic counts plus the proposed building requires signalization. If it does, submit Plans, Specifications, and Estimates (PS&E); otherwise, study the impacts every three years until 2035 or until the mitigation measure is implemented, whichever occurs first. If the investigation in 2035 shows this mitigation is still required, implement approved improvements identified in the PS&E.	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	Review and approve pre-construction investigations and every three years post-construction investigations. Review and approve PS&E. Confirm that improvements are designed and implemented pursuant to approved PS&E.

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TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
Impact TRANS-3: The addition of 2014 Modified Project (Maximum Residential Scenario) traffic would result in the intersection meeting the conditions of the MUTCD peak hour volume traffic signal warrant during both AM and PM peak hours at the 5th Avenue / Embarcadero intersection, which is expected to operate at unacceptable LOS F under Cumulative Year 2035 plus 2014 Modified Project Conditions (Maximum Residential Scenario).	Mitigation Measure TRANS-3: The following improvements are required to mitigate this impact to a less than significant level: 1. Install traffic signals at the unsignalized 5th Avenue / Embarcadero intersection. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include optimizing signal phasing and timing (i.e. allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. 2. Widen Embarcadero at the 5th Avenue / Embarcadero intersection from one travel lane in each direction into two travel lanes in each direction. Implementation of signalization and widening at the 5th Avenue / Embarcadero intersection would reduce the impact to a less-than-significant level.	Item #1 has already been fulfilled by the Project sponsor. Item #2 will be fulfilled (if necessary) by the Oak to 9 th Project.	N/A	The project sponsor has already fully complied with Mitigation TRANS-3.
Impact TRANS-7 (previously 2004 Impact B.9): The Project (2014 Modified Project, Maximum Residential Scenario) would increase the potential for conflicts among different traffic streams.	Mitigation Measure TRANS-7 (previously 2004 MM B.9a): The project sponsor shall design vehicular traffic features of Project development (e.g., turning radii for buses and service vehicles, Project parking garage access driveways, and circulation aisles within the parking garages) to meet the design standards set forth by the American Association of State Highway and Transportation Officials (AASHTO) in <i>A Policy on Geometric Design of Highways and Streets</i> , or other design standards deemed appropriate by the City of Oakland.	Prior to the issuance of each Certificate of Occupancy for Site D and/or Site F2 (residential use only).	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	City shall review and approve the construction plans, confirm that improvements are designed and implemented pursuant to the measure.
Impact TRANS-8: The Project construction (2014 Modified Project, Maximum Residential Scenario) would increase the potential for pedestrian conflicts.	Mitigation Measure TRANS-8: The following measures shall be implemented to mitigate the potential safety impact: <ul style="list-style-type: none"> • Install pedestrian signal heads (with adequate time for pedestrians to cross Embarcadero) when new traffic signals are installed as part of the Project. • Install informational signs to indicate to pedestrians where pedestrian bridges are located. • Install warning signs, and/or audible signals, at parking garage 	Prior to issuance of Certificate of Occupancy for the first building on Site D and/or Site F2 (residential use only).	Oakland Public Works Agency, Traffic Services Division. City of Oakland- Building Services Division, Zoning Inspection.	City shall confirm that improvements are designed and implemented pursuant to the measure.

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	access points to alert pedestrians about approaching vehicles.			
TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
<p>Impact TRANS-9 (previously 2004 EIR Impact B.12): Project construction (2014 Modified Project, Maximum Residential Scenario) would affect traffic flow and circulation, parking, and pedestrian safety.</p>	<p>Mitigation Measure TRANS-9 (previously 2004 MM B.12): Prior to the issuance of each building permit, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, Broadway, and Franklin, Alice, and 2nd Streets, including sidewalk and lane intrusions and/or closures. • Identification of any transit stop relocations, particularly along the Embarcadero and 2nd Street. • Provisions for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces. • Identification of parking eliminations and any relocation of parking for employees and public parking during construction. • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. • Provisions for accommodation of pedestrian flow, particularly along Embarcadero. • Location of construction staging areas for materials, equipment, and vehicles. • Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to 	<p>Traffic management strategy meetings shall take place prior to the issuance of each building permit on Site D and/or Site F2 (residential use only).</p> <p>Construction management plan shall be submitted, reviewed and approved prior to issuance of first grading permit.</p> <p>Compliance with plan requirements shall be continuous throughout the course of grading and construction.</p>	<p>Oakland Public Works Agency, Traffic Services Division.</p> <p>City of Oakland- Building Services Division, Zoning Inspection.</p>	<p>Review and approve the construction management plan.</p> <p>Confirm that all applicable measures are being implemented or complied with per the approved plan.</p>

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	the haul trucks can be identified and corrected by the project applicant.			
TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
Impact TRANS-9 (previously 2004 EIR Impact B.12) (cont.)	<ul style="list-style-type: none"> Temporary construction fences to contain debris and material and to secure the site. Provisions for removal of trash generated by project construction activity. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. 			
	<p>SCA TRANS-2: Construction Management Plan</p> <p>The Project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval and mitigation measures related to construction impacts of the Project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.</p>	<p>Prior to the issuance of each <i>demolition, grading or building permit</i> for Site D and/or Site F2 (residential use only).</p> <p>Construction management plan shall be submitted, reviewed and approved prior to issuance of first grading permit.</p> <p>Compliance with plan requirements shall be continuous throughout the course of grading and construction.</p>	<p>Oakland Public Works Agency, Traffic Services Division.</p> <p>City of Oakland- Building Services Division, Zoning Inspection.</p>	<p>Review and approve the construction management plan.</p> <p>Confirm that all applicable measures are being implemented or complied with per the approved plan.</p>
	<p>SCA TRANS-3: Construction Traffic and Parking</p> <p><i>Prior to the issuance of a demolition, grading or building permit.</i> The Project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this Project and other nearby projects that could be simultaneously under construction. The Project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:</p> <p>a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;</p> <p>b) Notification procedures for adjacent property owners and public</p>	<p>Prior to the issuance of each <i>demolition, grading or building permit</i> for Site D and/or Site F2 (residential use only).</p> <p>The construction traffic and parking management plan shall be submitted, reviewed and approved prior to issuance of first grading permit.</p> <p>Compliance with plan requirements shall be continuous throughout the course of grading and construction.</p>	<p>Oakland Public Works Agency, Traffic Services Division</p> <p>City of Oakland- Building Services Division, Zoning Inspection.</p>	<p>Review and approve the construction traffic and parking management plan.</p> <p>Confirm that all applicable measures are being implemented or complied with per the approved plan.</p>

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	safety personnel regarding when major deliveries, detours, and lane closures will occur;			
TRANSPORTATION, CIRCULATION, AND PARKING (cont.)				
Impact TRANS-9 (previously 2004 EIR Impact B.12) (cont.)	<p>c) Location of construction staging areas for materials, equipment, and vehicles at an approved location;</p> <p>d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services; and,</p> <p>e) Provision for accommodation of pedestrian flow.</p> <p>Major Project Cases:</p> <p>a. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces (see item "p" below);</p> <p>b. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage / excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and / or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy;</p> <p>c. Any heavy equipment brought to the construction site shall be transported by truck, where feasible;</p> <p>d. No materials or equipment shall be stored on the traveled roadway at any time;</p> <p>e. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through Project completion;</p> <p>f. All equipment shall be equipped with mufflers; and,</p> <p>g. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on</p>			

PART II – DEVELOPMENT OF RESIDENTIAL USES ON SITES D AND/OR F2
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
	the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.			
UTILITIES AND SERVICE SYSTEMS				
Utilities – Solid Waste: 2014 Modified Project, Maximum Residential Scenario.	<p>SCA UTL-1: Waste Reduction and Recycling.</p> <p>The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.</p> <p><i>Prior to issuance of demolition, grading, or building permit.</i> Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.</p> <p><i>Ongoing.</i> The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>	<p>Prior to issuance of the first building or demolition permit for the first building on Site D and/or Site F2 (residential use only), and then throughout construction activity.</p>	<p>City of Oakland - Building Services Division, Zoning Inspections.</p> <p>City of Oakland, Public Works, Environmental Services.</p>	<p>Review and approve WRRP and ODP requirements.</p> <p>Confirm implementation of the WRRP and ODP during construction.</p> <p>Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility.</p>
	<p>SCA: UTL-2 Stormwater and Sewer</p> <p><i>Prior to completing the final design for the project's sewer service.</i> Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by</p>	<p>Submittal prior to completing the final design for the project's sewer service for Site D and/or Site F2 (residential use only).</p>	<p>City of Oakland-Building services Division, Zoning Inspection.</p> <p>City of Oakland Public Works Department, Sewer and Stormwater Division.</p>	<p>Review and approve capacity and state of repair for any necessary stormwater and sanitary sewer infrastructure improvements.</p> <p>Confirm that the project applicant pays additional fees for any City improvements to the sanitary</p>

PART II – DEVELOPMENT OF RESIDENTIAL USES ON SITES D AND/OR F2
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
	the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are			sewer system, as well as any fees to the affected services providers.
UTILITIES AND SERVICE SYSTEMS (cont.)				
Utilities – Solid Waste: 2014 Modified Project, Maximum Residential Scenario. (cont.)	not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.			Confirm that BMPs to reduce stormwater runoff are implemented.
	<p>SCA UTL-3: Compliance with the Green Building Ordinance, OMC Chapter 18.02</p> <p><i>Prior to issuance of a demolition, grading, or building permit.</i> The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.</p> <p>a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards. ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below. v. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. vi. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and 	Prior to issuance of a demolition, grading, or building permit for Site D and/or Site F2 (residential use only); or during construction or after construction as specified in this SCA.	City of Oakland-Building services Division, Zoning Inspection.	Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility on Site D and/or Site F2 (residential use only).

PART II – DEVELOPMENT OF RESIDENTIAL USES ON SITES D AND/OR F2
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
	<p>Zoning permit.</p> <p>vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p>			
UTILITIES AND SERVICE SYSTEMS (cont.)				
<p>Utilities – Solid Waste: 2014 Modified Project, Maximum Residential Scenario.</p> <p>(cont.)</p>	<p>b) The set of plans in subsection (a) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> i. CALGreen mandatory measures. ii. All pre-requisites per either the LEED or GreenPoint Rated checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. iii. Specific green building point level and certification requirement will be determined for each building within the Project Site in accordance with the Green Building Ordinance per the appropriate checklist approved during the Planning entitlement process. iv. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted. v. The required green building point minimums in the appropriate credit categories. <p><i>During construction.</i> The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02.</p> <p>a) The following information shall be submitted to the Building Inspections Division of the Building Services Division for review and approval:</p> <ul style="list-style-type: none"> i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. 			

PART II – DEVELOPMENT OF RESIDENTIAL USES ON SITES D AND/OR F2
STANDARD CONDITIONS OF APPROVAL / MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

	Mitigation Measures and Standard Conditions of Approval	Implementation and Monitoring Schedule	Monitoring Responsibility and Responsible Implementing Entity	Monitoring Procedure
	iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.			
UTILITIES AND SERVICE SYSTEMS (cont.)				
Utilities – Solid Waste: 2014 Modified Project, Maximum Residential Scenario. (cont.)	<i>After construction, as specified below.</i> Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to either Build It Green or Green Building Certification Institute and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.			

**Attachments A:
Proposed Project Plans and Design Guidelines**

PLANS INTENTIONALLY NOT INCLUDED.

**ATTACHMENT A TO THE CITY COUNCIL STAFF
REPORT INCLUDES CURRENT PLANS, AS
APPROVED BY THE PLANNING COMMISSION
ON MAY 28, 2014**

**Attachment B:
Proposed Revisions to the PUD Text**

**Planned Unit Design, Specification and
General Land Use Requirements and Procedures Document**

Purpose of Document

This document (the "PUD Document") shall serve as the Preliminary Development Plan, or PDP, for the Project Area specified below, pursuant to Oakland Zoning Code Chapter 17.140. It shall also serve as the Final Development Plan, or FDP, for Sites C, D, Pavilion 2, 66 Franklin, F1, F2, F3 and G (defined below), pursuant to Oakland Zoning Code Chapter 17.140.

General Discussion

This PUD Document is intended to guide the revitalization of portions of the Jack London Square area in Oakland, California, through a combination of new development, renovation of existing buildings, and improvements to public space and public access. The project consists in part of constructing new retail and entertainment space, improving existing retail space, enhancing the pedestrian environment, and improving accessibility and enjoyment of the waterfront. Daytime activity and use of Jack London Square will be increased through providing additional space for office uses, and residential uses will be added to further complement the variety of uses thereby creating a fully-integrated mixed-use development. A full-size hotel with conference facilities will be located at the waterfront. Public spaces will be created and enhanced as part of the development.

To ensure flexibility in the intensity and location of uses within the project area so as to respond to evolving market demands, this PUD Document contains ~~up to six~~ several variant envelopes for each specific development area.

Project Area

The property subject to this preliminary development plan is shown on the plans (collectively, the "Site Plan") attached as Exhibit A, and is referred to herein as the "Project Area." The Site Plan consists of one plan showing general building sizes and locations, and one plan showing landscape features, pedestrian and traffic circulation, and other improvements. The Project Area includes Alameda County Assessor's Parcels Numbers 000-0410-001-05, 000-0415-001-00, 000-0415-002-00, 000-0415-005-00, 000-0420-004-00, 001-0151-007-00, 001-0151-008-00, and 001-0157-007-00.

This PUD allows new construction on ten specific sites within the Project Area, shown on Exhibit A and referred to in this PUD Document as Site C, Site D, Pavilion 2, Water I Expansion, 66 Franklin, Site F1, Site F2, Site F3, and Site G. The Project Area includes open space, streets and rights of way connecting the sites.

Site Plan

The Site Plan shows the location of all proposed buildings, structures, open space and/or public areas, pedestrian and vehicular circulation, and other general site improvements.

Public Uses

A new "Meadow Green" will be located south of Site C, and a new "Marina Green" will be located south of Site ~~F2~~F1. Waterfront access and pedestrian circulation shall be improved as shown on the Site Plan. A pedestrian bridge will be constructed over Embarcadero, linking Site F2 and Site G. Another pedestrian bridge will be constructed linking the structures on Site F1 and Site F2.

Land Uses and Intensity

The uses permitted for each site shall be limited to the permitted uses listed below. The maximum amounts of each use permitted on each site are set forth in Exhibit B, which shows possible variants for all of the sites. The chart below also sets forth the maximum number of stories and the maximum height for each site (see "Heights and Massing," below, for more information on this subject).

For each site, the uses permitted within that site may be blended and substituted for one another in any manner, provided that: (i) the total amount of square footage of each permitted non-residential use is less than the maximum square footage allowed for that use in any of the variants for the site in question;¹ (ii) the total amount of net new square footage of office uses for all sites except D & F2 ~~the entire project~~ does not exceed 355,300; (iii) the building constructed on the site has no more than the applicable maximum number of stories set forth below; and (iv) the building constructed on the site is no higher (at the top of its parapet) than the applicable maximum height set forth below.

PROJECT LAND USES AND ~~INTENSITY~~INTENSITY^c

Site	Permitted Uses	Max. # Stories	Max. Height ^a
Site C	Retail; office	2	45 feet
Site DD ^d	Retail; office; <u>parking</u> ; <u>residential</u> ; theater	7 17	150 193 feet
Pavilion 2	Retail	1	24 feet
Water I Expansion	Retail; restaurant / banquet facilities	2	44 feet
66 Franklin	Retail; office; parking	6	112 feet

¹ The variant used to determine the maximum amount of square footage for a site use is the variant that includes the greatest amount of square footage for that use on that site.

Site	Permitted Uses	Max. # Stories	Max. Height ^a
Site F-1 ^{bc}	Retail; office	6	108 feet
Site F-2 ^{cd}	Retail; parking; <u>residential</u> ; office; health club	<u>826</u>	<u>125293</u> feet
Site F-3 ^c	Hotel; conference center; retail	13	175 feet
Site G	Parking; retail	7	88 feet

^a Building heights are from the threshold elevation of the highest ground-level building entry to the top of the parapet and exclude rooftop equipment and mechanical penthouses that would range in height from 15 to 20 feet (set back from the roof edge). The building heights reflect maximums; actual heights could be less, and immaterial departures from the maximum heights are permitted.

^b This building must be set back at least 20 feet from Heinold's First and Last Chance Saloon.

^c The permitted uses on Sites F-1, F-2 and F-3 may be moved around among the F Sites, subject to the maximums for each use among the three sites and subject to the limitations of the approved physical envelopes for each particular site.

^d Notwithstanding the numbers of residential units shown in Exhibit B for Sites D and F2, there shall be no limit on the total number of residential units developed on either site, provided that: the number of residential units that may be constructed upon the two sites together shall not exceed a total of 665; and the building constructed on each site remains within the limitations of the approved physical envelope(s) for the applicable site.

^e Nothing in this table or elsewhere in this PDP shall restrict the construction of underground levels containing parking or accessory uses thereto, which shall not be subject to the square footage parameters and/or maximums set forth in the variants shown in Exhibit B.

The uses provided in the chart above are defined as follows:

Retail – Any of the following commercial uses, as defined in Chapter 17.10 of the Oakland Zoning Code: General Food Sales (including restaurant/banquet facilities); Convenience Sales and Service; General Retail Sales; General Personal Service; Retail Business Supply; Convenience Market; Fast-Food Restaurant; Alcoholic Beverage Sales; Mechanical or Electronic Games; General Wholesale Sales; Animal Care; Group Assembly; and Automotive Fee Parking. Retail uses may also include Nonassembly Cultural uses, as defined in Section 17.10.190 of the Oakland Zoning Code.

Notwithstanding anything to the contrary in this PUD Document, a Major Conditional Use Permit (as defined in Section 17.134.010 of the Oakland Zoning Code) shall be required for any Fast-Food Restaurants proposed to be located on Site G.

Residential – Permanent Residential Activities, as defined in Chapter 17.10 of the Oakland Zoning Code

Office – Any of the following commercial uses, as defined in Chapter 17.10 of the Oakland Zoning Code: Medical Service; General Personal Service; Consultative and Financial Service; Business and Communication Service; Research Service; Administrative

Theater – A multi-screen movie theater. Considered to be a subset of the “Group Assembly” use pursuant to Section 17.10.380 of the Oakland Zoning Code

Restaurant / Banquet Facilities – Considered to be a subset of “General Food Sales,” as that term is defined in Section 17.10.270 of the Oakland Zoning Code.

Parking – Surface parking and parking garages, including “Automotive Fee Parking,” as defined by Section 17.10.490 of the Oakland Zoning Code.

Health Club – A public or private health club or other fitness facility. Considered to be a subset of the “Group Assembly” use pursuant to Section 17.10.380 of the Oakland Zoning Code

Hotel – “Transient Habitation,” as that term is defined in Section 17.10.440 of the Oakland Zoning Code

Conference Center – Conference facilities including those adjacent to, or contained within, the hotel. Considered to be a subset of the “Group Assembly” use pursuant to Section 17.10.380 of the Oakland Zoning Code.

Height, Massing, and Preliminary Elevations

The maximum outer envelope of each building will be limited to the height, massing and bulk shown in the preliminary elevations attached hereto as Exhibit C, although immaterial departures from these maximums are permitted. So long as this maximum outer envelope is not exceeded and the building conforms to the FDP and any applicable design standards for that building, the developer shall have discretion as to the exact height, mass and bulk of each building. As shown in Exhibit C, there are ~~two~~several variants for Building D and Building F2 that prescribe varying sets of height and bulk maximums. The project developer may select ~~either~~any of these variants in its sole discretion to serve as the maximum outer envelope for Building D or Building F2.

Landscaping and Open Space

Major landscaping features of the Project Area are shown in the Site Plan attached hereto as Exhibit A. Conceptual landscaping and open space features within the Project Area are depicted in the drawings and plans attached hereto as Exhibit D.

The walls of the building on Site F3 shall be set back at least forty feet (40') from the railing along the estuary waterfront.

Parking and Loading

Parking and loading spaces will be provided pursuant to the Oakland Zoning Code, except as otherwise allowed under any applicable Conditional Use Permit or Variance.

The distribution of maximum amounts of parking and loading spaces for the legal parcels within the Project Area may be aggregated and distributed throughout the Project Area without regard to lot lines, in order to serve the Project Area as a whole.

Traffic Circulation

Traffic circulation shall be configured as shown on the Site Plan. Harrison Street and Water Street will be improved to allow vehicular access on Harrison Street from Embarcadero to Water Street, and depending on variant, either vehicular or pedestrian access on Water Street from Harrison Street to Alice Street.

Design Review

Detailed site plans and architectural drawings that (together with this document) serve as the FDP for Sites C, D, Pavilion 2, 66 Franklin, F1, F2, F3 and G are attached hereto as Exhibit E. As shown in Exhibit E, there are two alternative FDPs for the 66 Franklin site. The project developer may select either one of these options in its sole discretion to serve as the FDP for the 66 Franklin site. Prior to the commencement of construction activities on Water Street I, the Oakland Planning Commission must approve an FDP for that site. Additional FDPs may be approved in the future for any building within the Project Area. The project developer may select any of these options to serve as the FDP for the relevant building.

~~Changes to any FDP approved~~ Further design review of 1) each of the approved FDPs, 2) changes to any FDP approved for any building within the Project Area, and/or 3) any new FDP for any building within the Project Area shall be subject to the terms of that certain Development Agreement between the City of Oakland and Jack London Square Partners, LLC, and CEP-JLS I LLC, entered into as of _____, 2004 July 6, 2004, as such document may be amended and/or assigned from time to time.

The following additional design review procedures have been satisfied with respect to the FDPs for Sites F-1 and G:

- Design review of Site F-1 pursuant to Oakland Zoning Code Section 17.102.030 and Chapter 17.136.
- Design review of Site G pursuant to Oakland Zoning Code Section 17.80.030 and Chapter 17.136.

Timing

Except as otherwise set forth in this PUD Document, the timing for all aspects of the project, including but not limited to the phasing of building construction and open space development, shall be governed by that certain Development Agreement between the City of Oakland and Jack London Square Partners, LLC, and CEP-JLS I LLC, entered into as of _____, July 6, 2004, as such document may be amended and/or assigned from time to time.

Exhibits

Exhibits A through D listed below are incorporated as part of this PUD Document by this reference, and constitute the preliminary development plan in concert with this PUD Document. Exhibit E is not a part of the preliminary development plan, but contains approved final development plans that have been determined to be consistent with the preliminary development plan and the PUD standards.

Exhibit A – Site Plan

Exhibit B – Permitted Uses and Variants

Exhibit C – Height, Massing and Preliminary Elevations

Exhibit D – Conceptual Landscaping and Open Space Features

Exhibit E – Final Development Plans for:

Site C

Site D

Pavilion 2

66 Franklin / Option 1

66 Franklin / Option 2

Site F1

Site F2

Site F3

Site G

ATTACHMENT B

REVISED PER 5/28/14 PLANNING COMMISSION APPROVALS

JLS PDP Variants Rev Feb '14

Site Designation	SITE C				SITE D								Proposed 2014		Proposed 2014		Proposed 2014					
	Variant 0		Variant 1		Variant 0		Variant 1		Variant 2		Variant 2b		Variant 3		Variant 4		Variant 5		Variant 6		Variant 7	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
New Development																						
level 1 use 1	18,000	Retail	17,000	Retail	17,000	Retail	36,000	Retail	33,000	Retail	33,000	Retail	23,000	Retail	20,000	Retail	2,020	Residential*	2,020	Residential*	3,995	Residential*
level 1 use 2			1,000	Office	2,000	Office	2,000	Office	2,000	Office	2,000	Office	2,000	Office	2,000	Office	18,425	Parking	18,425	Parking		
level 1 use 3					19,000	Theater			3,000	Theater	3,000	Theater			3,000	Theater						
level 2 use 1	15,000	Retail	15,000	Office	38,000	Theater	38,000	Retail	38,000	Theater	38,000	Retail	25,000	Retail	25,000	Theater	400	Residential*	400	Residential*	400	Residential*
level 2 use 2																	17,855	Parking	17,855	Parking	19,020	Parking
level 3 use 1					25,000	Office	25,000	Office	25,000	Office	38,000	Theater	25,000	Office	25,000	Theater	15,330	Residential*	15,330	Residential*	400	Residential*
level 3 use 2																					19,020	Parking
level 4 use 1					25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	15,330	Residential*	15,330	Residential*	400	Residential*
level 4 use 2																					19,020	Parking
level 5					25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	15,330	Residential*	15,330	Residential*	13,315	Residential*
level 6					25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	15,330	Residential*	15,330	Residential*	13,315	Residential*
level 7					25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	25,000	Office	15,330	Residential*	15,330	Residential*	13,315	Residential*
level 8																					13,315	Residential*
level 9																					13,315	Residential*
level 10																					13,315	Residential*
level 11																					13,315	Residential*
level 12																					13,315	Residential*
level 13																					13,315	Residential*
level 14																					13,315	Residential*
level 15																					13,315	Residential*
level 16																					13,315	Residential*
level 17																					13,315	Residential*
level 18																					13,315	Residential*
level 19																						
level 20																						
level 21																						
level 22																						
level 23																						
level 24																						
level 25																						
level 26																						
Total GSF New	33,000		33,000		201,000		201,000		201,000		214,000		175,000		175,000		100,020		130,680		250,775	
Less Existing Development																						
level 1					-12,000	Retail	-12,000	Retail	-12,000	Retail	-12,000	Retail										
level 2					-12,000	Office	-12,000	Office	-12,000	Office	-12,000	Office										
level 3																						
Total GSF Existing					-24,000		-24,000		-24,000		-24,000											
TOTAL NET GSF																						
OFFICE			16,000		115,000		115,000		115,000		90,000		127,000		102,000							
RETAIL	33,000		17,000		5,000		62,000		21,000		59,000		48,000		20,000							
THEATER					57,000				41,000		41,000				53,000							
HEALTH CLUB																						
HOTEL																						
CONFERENCE																						
RESIDENTIAL																	63,740		94,400		178,290	
RESIDENTIAL UNITS																	60		90		167	
PARKING																	36,280		36,280		72,485	
PARKING STALLS																	81		91**		167	
Notes	V-shaped wing roof	V-shaped wing roof															*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.)	*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.); **Parking includes stackers	*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.)			

REVISED PER 5/28/14 PLANNING COMMISSION APPROVALS

ATTACHMENT B

JLS PDP Variants Rev Feb '14

Site Designation	SITE F1				SITE F2								SITE F3			SITE G								
	Variant 0		Variant 1		Variant 0		Variant 1		Variant 3		Variant 4		Proposed 2014 Variant 5		Proposed 2014 Variant 6		Proposed 2014 Variant 7		Variant 0		Variant 0		Variant 2	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
New Development																								
level 1 use 1	40,000	Retail	43,000	Retail	10,000	Retail	10,000	Retail	10,000	Retail	15,000	Retail	21,730	Residential*	21,510	Residential*	21,095	Residential*	30,000	Hotel	40,000	Retail	60,000	Parking
level 1 use 2	2,000	Office	2,000	Office	45,000	Parking	47,000	Parking	47,000	Parking	2,000	Office	41,200	Parking	41,300	Parking	41,715	Parking	10,000	Retail	20,000	Parking		
level 1 use 3					2,000	Health Club							220,000	Parking*				15,000	Conference					
level 2 use 1	32,000	Office	40,000	Retail	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	22,465	Residential*	21,815	Residential*	21,815	Residential*	26,000	Hotel	60,000	Parking	60,000	Parking
level 2 use 2													42,170	Parking	42,170	Parking	42,170	Parking						
level 3 use 1	32,000	Office	40,000	Retail	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	43,665	Residential*	42,860	Residential*	22,830	Residential*	17,000	Hotel	60,000	Parking	60,000	Parking
level 3 use 2																	42,170	Parking						
level 4 use 1	25,000	Office	25,000	Office	57,000	Parking	57,000	Parking	57,000	Parking	20,000	Office	43,415	Residential*	42,610	Residential*	42,860	Residential*	17,000	Hotel	60,000	Parking	60,000	Parking
level 4 use 2																								
level 5	25,000	Office	25,000	Office	38,000	Health Club			30,000	Office	18,000	Office	43,830	Residential*	43,025	Residential*	43,025	Residential*	17,000	Hotel	60,000	Parking	60,000	Parking
level 6	25,000	Office	25,000	Office							18,000	Office	43,830	Residential*	43,025	Residential*	43,025	Residential*	17,000	Hotel	60,000	Parking	60,000	Parking
level 7											18,000	Office			43,025	Residential*	10,975	Residential*	17,000	Hotel	60,000	Parking	60,000	Parking
level 8											18,000	Office			43,025	Residential*	10,975	Residential*	17,000	Hotel				
level 9																	10,975	Residential*	17,000	Hotel				
level 10																	10,975	Residential*	15,800	Hotel*				
level 11																	10,975	Residential*	15,800	Hotel*				
level 12																	10,975	Residential*	7,100	Hotel*				
level 13																	10,975	Residential*	7,100	Hotel*				
level 14																	10,975	Residential*						
level 15																	10,975	Residential*						
level 16																	10,975	Residential*						
level 17																	10,975	Residential*						
level 18																	10,975	Residential*						
level 19																	10,975	Residential*						
level 20																	10,975	Residential*						
level 21																	10,975	Residential*						
level 22																	10,975	Residential*						
level 23																	10,975	Residential*						
level 24																	10,975	Residential*						
level 25																	10,975	Residential*						
level 26																	10,975	Residential*						
Total GSF New	181,000		200,000		266,000		228,000		258,000		369,000		302,305		384,365		540,205		220,000 *		420,000		420,000	
Less Existing Development																								
level 1																								
level 2																								
level 3																								
Total GSF Existing																								
TOTAL NET GSF																								
OFFICE	141,000		77,000					30,000		134,000														
RETAIL	40,000		123,000		10,000		10,000	10,000		15,000									10,000		40,000			
THEATER																								
HEALTH CLUB					40,000																			
HOTEL																			250 Rooms					
CONFERENCE																			15,000					
RESIDENTIAL													218,935		300,895		414,150							
RESIDENTIAL UNITS													217		282		370							
PARKING					216,000		218,000	218,000		220,000			83,370		83,470		126,055				380,000		420,000	
PARKING STALLS					576 rough est.		545 rough est.	545 rough est.		550 rough est.			219		240**		370				1086 rough est.		1200 rough est.	
Notes	Heinhold's shall remain as a distinct freestanding structure	Heinhold's shall remain as a distinct freestanding structure								*Parking is in 6-level structure behind office		*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.)		*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.); **Not including 42 spaces at 255 Second Street (Site G) Garage		*Residential SF refers to either unit SF or supporting uses (i.e. circulation, MEP rooms, lobby/amenity space, etc.)		* Floor areas are max footprint at each level. Total floor area will not exceed 220,000 SF.						

REVISED PER 5/28/14 PLANNING COMMISSION APPROVALS

ATTACHMENT B

JLS PDP Variants Rev Feb '14

Site Designation	Pavilion 2		Water I Expansion		66 Franklin							
	Variant 0		Variant 0		Variant 0		Variant 1		Variant 1b		Variant 2	
	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use	GSF	Land Use
New Development												
level 1 use 1	15,000	Retail	20,000	Retail	35,000	Retail	35,000	Retail	28,500	Retail		
level 1 use 2					2,000	Office	2,000	Office	2,000	Office		
level 1 use 3									47,250	Parking*		
level 2 use 1			20,000	Retail	37,000	Office	37,000	Retail	30,500	Retail		
level 2 use 2												
level 3 use 1					37,000	Office	37,000	Office	37,000	Parking		
level 3 use 2												
level 4 use 1					23,500	Office	23,500	Office	37,000	Parking	30,600	Office
level 4 use 2												
level 5					23,500	Office	23,500	Office	37,000	Parking	30,600	Office
level 6					23,500	Office	23,500	Office	23,500	Office	23,500	Office
level 7												
level 8												
level 9												
level 10												
level 11												
level 12												
level 13												
level 14												
level 15												
level 16												
level 17												
level 18												
level 19												
level 20												
level 21												
level 22												
level 23												
level 24												
level 25												
level 26												
Total GSF New	15,000		40,000		181,500		181,500		242,750		84,700	
Less Existing Development												
level 1			-14,000	Retail	-32,600	Retail	-32,600	Retail	-32,600	Retail		
level 2					-30,600	Office	-30,600	Office	-30,600	Office		
level 3					-30,600	Office	-30,600	Office	-30,600	Office		
Total GSF Existing			-14,000		-93,800		-93,800		-93,800			
TOTAL NET GSF												
OFFICE					85,300		48,300		-35,700		84,700	
RETAIL	15,000		26,000		2,400		39,400		26,400			
THEATER												
HEALTH CLUB												
HOTEL												
CONFERENCE												
RESIDENTIAL												
RESIDENTIAL UNITS												
PARKING									158,250			
PARKING STALLS									422 rough est.			
Notes									*Parking at 3 levels behind retail levels 1 and 2		This variant is an addition of 2 and a half floors to the existing building	

Attachment C:

**Jack London Square Redevelopment Project EIR and
Addendum #1 (provided under separate cover to the
Planning Commission; available to the public at 250 Frank
Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular
business hours and at
[http://www2.oaklandnet.com/Government/o/PBN/OurOrgan
ization/PlanningZoning/OAK044560](http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560)).**

Attachment D:
Letter from Ellis Partners, dated April 10, 2014

ELLIS PARTNERS LLC

April 10, 2014

Rachel Flynn
Director, Department of Planning and Building
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Flynn:

We are writing in response to the December 3, 2013 letter from the City, which requested additional community enhancements related to the current Jack London Square entitlement application. Our understanding is that this request was made in connection with our request for an extension to the Development Agreement ("DA") for the project from 2019 to 2027.

As you are aware, as the Jack London Square developer and operator, we have already made significant enhancements to the Jack London district and community including the following:

- We've built three acres of parks and open space that are dedicated for public use. Even though three development sites remain undeveloped (D, F2, and F3), we were required by the City, the Port and BCDC to build all of these public spaces during our first phase of development. As such, these three development sites have already contributed significant pre-development funds towards the creation of these unique waterfront gathering spaces.
- We've improved the pedestrian and bicycle experience with the extension of the Water Street promenade from Franklin St to Harrison St. The F2 project will fund the completion of this promenade to its Alice Street terminus.
- We've built two new office buildings and a parking garage (and conducted the historic renovation of another building) thereby replacing several surface parking lots with parks and plazas while generating tax revenues and jobs for the City.
- We've leased a meaningful portion of both the newly built and existing buildings thereby bringing new businesses to Oakland and services to the Jack London District.
- We market, produce, and fund over 140 events annually in the Square which are open to the general public (and bring over 500,000 people to the Jack London District) including a weekly farmers market, regular dance and yoga classes, outdoor move nights, as well as several large events each year, such as Eat Real and Pedalfest.
- We are a primary contributor to the "B", a free, public shuttle connecting Jack London Square to 12th Street Bart and Uptown.

In addition, we've also made commitments to hire at prevailing wage rates and comply with the City's Local Employment Program and the Port's Small Local Business Utilization Policy, which prioritize the selection of local construction firms. We've exceeded the targets that these programs set for our development projects to date at Jack London Square.

Given the above, we feel that our project, as outlined in the current DA, has provided and continues to provide community benefits that are commensurate with the size and importance of the project and is a leading example of a positive public-private partnership for the City and Port of Oakland.

Our goal is to develop the remaining sites as soon as possible, which would mean completing the entitlements as soon as possible in a manner that preserves their financial feasibility. Given the challenging realities of speculative development in Oakland and the significant contributions toward public benefits that are currently required of us, we are unable to comply with the requests for funding of additional community enhancements at levels contemplated in the December 3, 2013 letter. These additional contributions would meaningfully impact the feasibility of continued development at Jack London Square. We feel that our project, as currently outlined in the DA, strikes the appropriate balance in providing substantial community benefits while preserving the feasibility of developing all of the remaining sites.

111 SUTTER STREET, SUITE 800 • SAN FRANCISCO, CA 94104

TEL: 415-391-9800 FAX: 415-391-4711

www.ellispartners.com

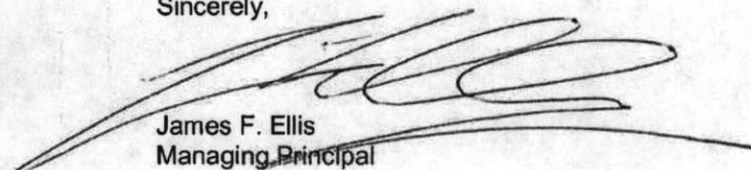
Based on our conversations with City staff, we understand that the City would support an application, without these additional contributions, if it were to forgo the development agreement extension and limit the office cap removal request to Sites D & F2. As such, we agree to these modifications to our application.

Despite the above, as a demonstration of our partnership with the City and community, and our desire to continue to enhance the Jack London District, we are willing to make a contribution towards both the Broadway 880 underpass upgrade project and realization of the Webster Green. Upon approval of the requested entitlements as currently proposed, we would pledge \$250,000 towards these community enhancing projects. Funding of these contributions would be as follows: \$50,000 towards the design of the Broadway 880 underpass upgrade and \$50,000 for Webster Green – to be paid upon receipt of the requested entitlements as currently proposed; and \$150,000 for the implementation either project (at the City's discretion), paid at the time residential building permits are pulled for either of these sites.

We look forward to the continued successful development at Jack London Square, and appreciate your work in reviewing and guiding the associated entitlement application.

Please let me know if you have any questions.

Sincerely,



James F. Ellis
Managing Principal

cc: Scott Miller, Zoning Manager
Catherine Payne, Department of Planning & Building
Heather Lee, Office of the City Attorney
Dean Robinson, Ellis Partners LLC
Matt Weber, Ellis Partners LLC

**Attachment E:
Loading Variance Request Exhibit**

CITY OF OAKLAND VARIANCE FINDINGS

A Variance is permission to depart from the development regulations in the zoning district. Variances provide the discretion and flexibility to resolve difficulties or hardships that may be inappropriate where special or extraordinary circumstances occur on the property. These circumstances do not mean economic hardship; rather, they refer to topographic or physical attributes of the site that do not allow for the development standards of the Zoning District to be applied.

Proposals requiring a Variance may only be granted upon determination that the proposal conforms to the following Variance criteria set forth in Section 17.148.050:

Please indicate the way in which the proposal meets the following required criteria. Attach additional sheets if necessary.

1. Strict compliance with the specified regulations would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance:

The proposal includes loading adequate to fulfill the needs of the uses on site. Providing additional loading is both impractical and undesirable due to the configuration of the proposed development of Sites D and F2. Site D has one available frontage for loading, which is Broadway. Because Broadway is also the frontage for the building's lobby, retail space, and for parking access, the one loading space for the building occurs immediately adjacent to the building (per the attached exhibit). Site F2 will have one loading berth consistent with the needs of the building (also per the attached exhibit). Delivery services will have access to other loading facilities available throughout Jack London Square, a mixed-use, planned unit development.

2. Strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation:

Both Sites D and F2 require a reasonable balance between the need for loading berths and other necessary program elements at the ground floor. Strict compliance with the loading berth requirement is either not possible (Site D) or impractical (Site F2) and would not allow a reasonable balance between necessary ground floor program elements. Therefore, strict compliance would deprive the project of a balanced architectural design at the ground floor. A loading variance is necessary to achieve project objectives.

3. The variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy:

The loading variance for Sites D and F2 will not affect nearby properties. Adequate loading facilities are provided as part of this proposal, and in addition, loading facilities are available throughout Jack London Square.

4. The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations:

In addressing the particular circumstances of the designs of Sites D and F2, no special privilege will be granted through this variance. In addition, there are no properties in the City subject to the same Jack London Square planned unit development zoning as the sites under control of the Applicant.

5. That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the Regular Design Review criteria set forth in the design review procedure at Section 17.136.050:

The requested loading variance is not a building element, per se. However, the elevations and plans of the proposal do conform to Design Review criteria.

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council:

This project application includes a general plan amendment. The proposal will conform with the General Plan and other guidelines upon approval of the general plan amendment.

7. **For proposals involving one or two residential dwelling units on a lot:** That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with **at least one** of the following criteria:

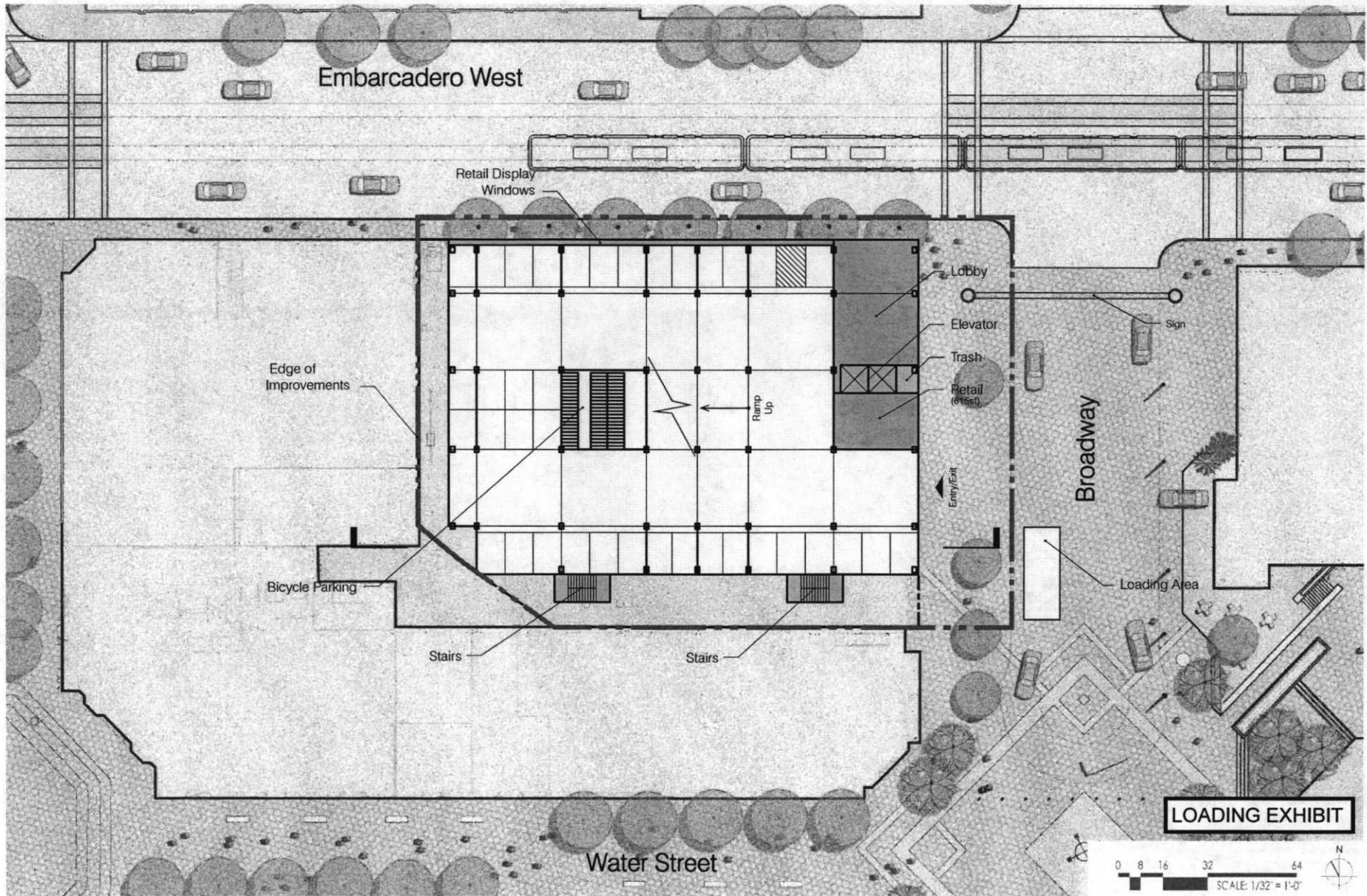
- a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height:

N/A

-OR-

- b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing,

articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site, plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance. N/A

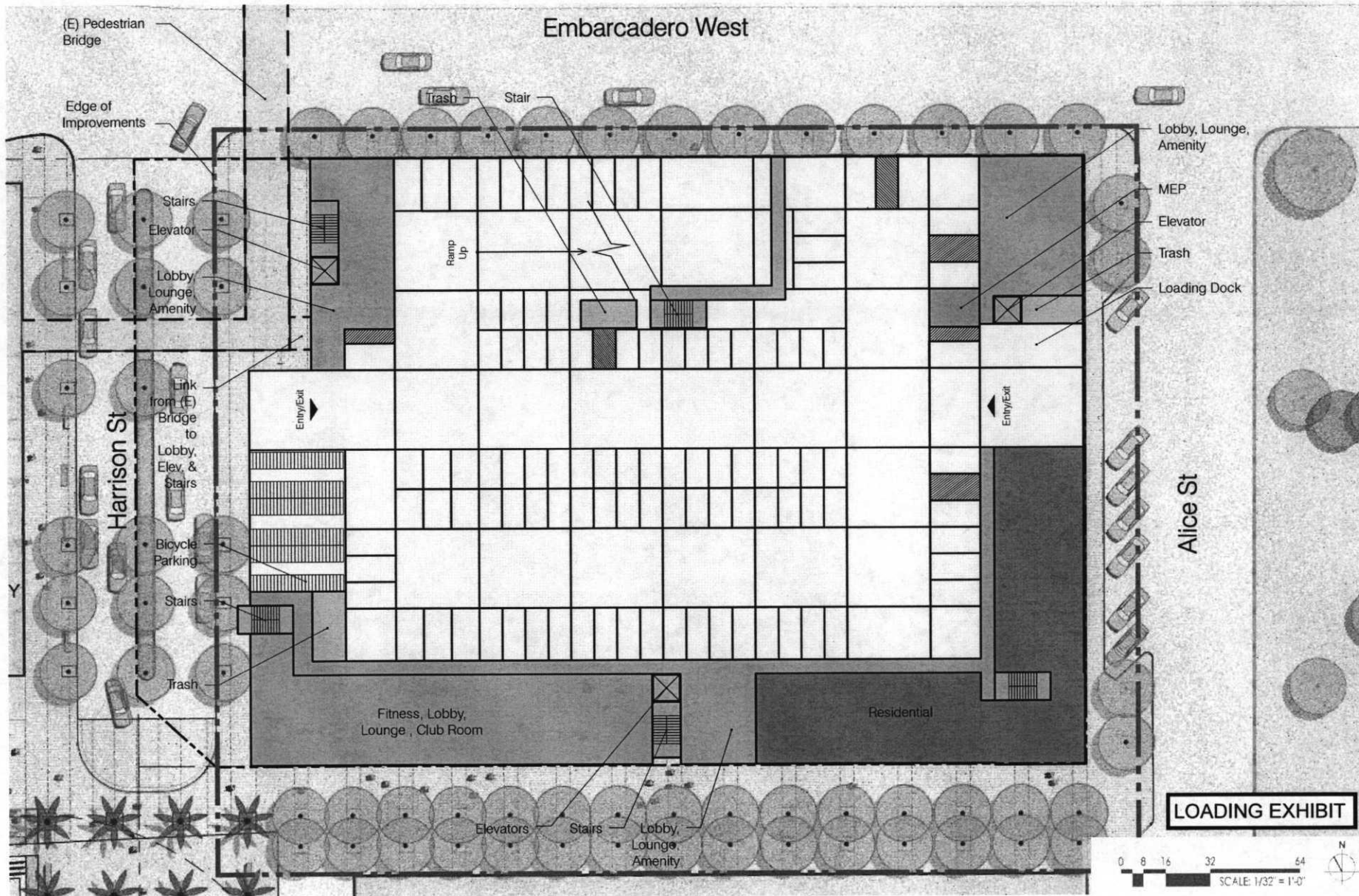


Parcel D First Floor Plan

11 FEBRUARY 2014
PROJECT NO: 47850
5405 MARQUES TOWERS
ALAMEDA, CA 94501
T 510.465.1311
© MBH ARCHITECTS

JACK LONDON SQUARE
PARCEL D
OAKLAND, CALIFORNIA



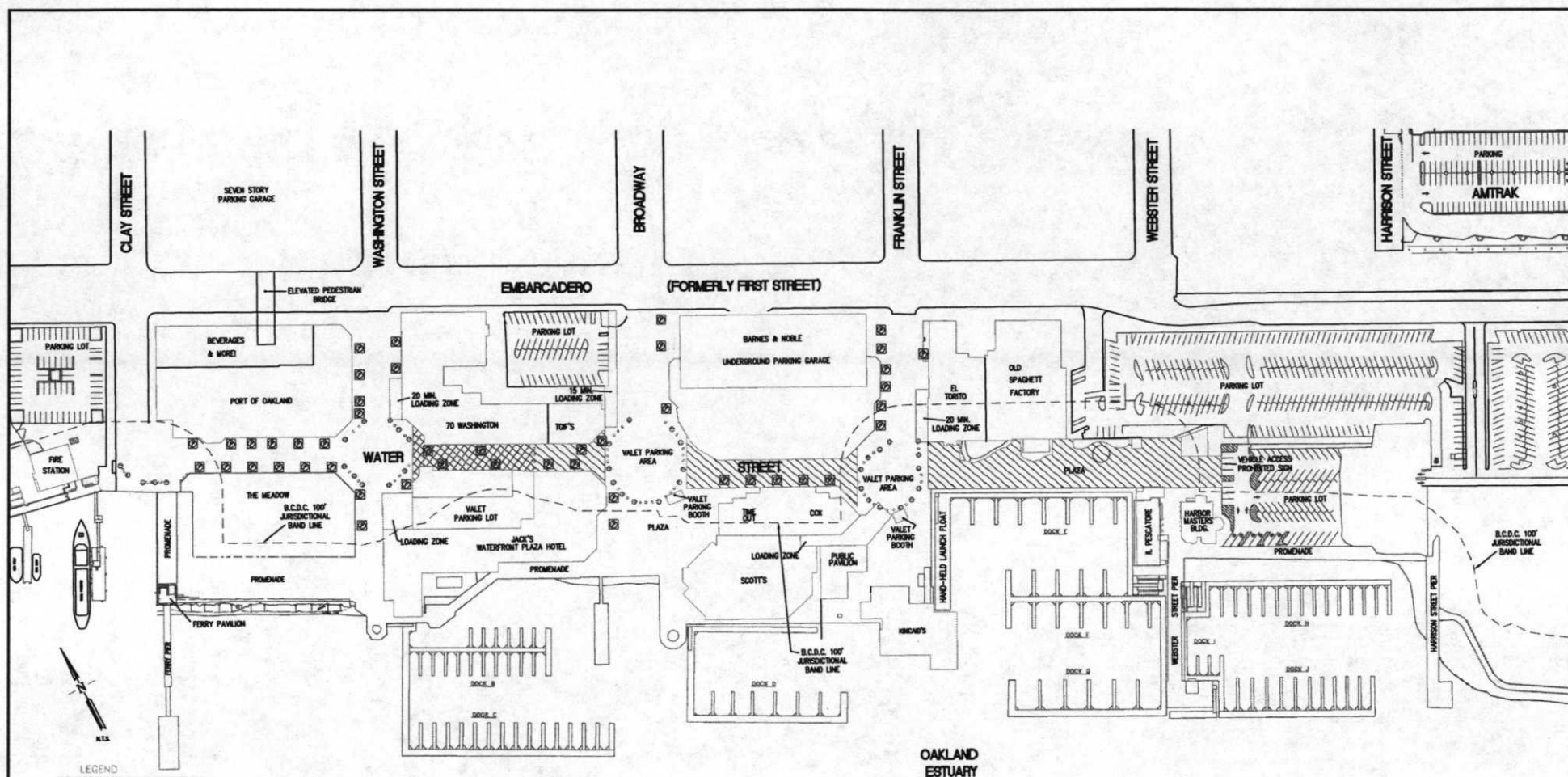


Parcel F2 First Floor Plan

11 FEBRUARY 2014
PROJECT NO: 47841
2425 MARQUES SQUARE LOOP
ALAMIDA, CA 94501
T 510.662.3063 F 510.662.1811
© MBH ARCHITECTS

JACK LONDON SQUARE
ORLAND, CALIFORNIA
PARCEL F2





OAKLAND
ESTUARY

- LEGEND**
- CLOSED TO THROUGH TRAFFIC
 - WATER FRONT PLAZA HOTEL
EXITING TRAFFIC ONLY
 - LOADING ZONE
 - NO PARKING SIGN
LARGE BOLLARD
SMALL BOLLARD

NOTES:

- 1) NO PARKING IN ALL AREAS SOUTH OF EMBARCADERO BETWEEN CLAY STREET AND WEBSTER STREET, UNLESS OTHERWISE NOTED.
- 2) PUBLIC SAFETY/EMERGENCY VEHICLES PERMITTED IN ALL AREAS
- 3) SERVICE AND DELIVERY VEHICLES ON WATER STREET SHALL BE LIMITED BETWEEN MIDNIGHT AND 11:00 AM SEVEN DAYS A WEEK.
- 4) EXCEPT FOR EMERGENCY REPAIRS, MAINTENANCE VEHICLES SHALL BE PROHIBITED IN PUBLIC ACCESS AREAS AND ON WATER STREET DURING 11:30 AM TO 1:30 PM OR 3:00 PM TO 5:00 PM

PORT OF OAKLAND



530 Water Street
Oakland, California



GRAPHIC SCALE

0
IN FEET
1 INCH = FT.

Vehicle Access Plan
Jack London Square Phase I
City of Oakland, Alameda County, California

DRAWN BY: D. Scott	FIELD BOOK: NONE
CHECKED BY:	DATA FILE: NONE
SCALE: 1" =	WORK ORDER NO. 104569
DATE: 8-11-04	REVISION: 3
SHEET 1 OF 1	REV. DATE: 8-28-04
ATTACHMENTS: NONE	
DWG LOCATION: 4.5 SURVEY / 104569 / BCDC-VAP-3.DWG	

**Attachment F:
Public Comments Provided in Writing**

Payne, Catherine

From: William Purcell <w_purcell@me.com>
Sent: Friday, December 13, 2013 11:50 AM
To: Payne, Catherine
Subject: Ellis/JLS

Hi we met very briefly at the Ellis presentation. I'm a board member of Jack London District Association and sate immediately in front of you at the meeting. Please forward the link that describes the project.

Best

Bill

W. Purcell
Commercial Real Estate Services
P.O. Box 2532
Danville, CA 94526
(925) 997-4762: w_purcell@me.com
Lic #: 0754288

Payne, Catherine

From: Sandra Threlfall <info@waterfrontaction.org>
Sent: Wednesday, December 18, 2013 2:32 PM
To: Payne, Catherine
Cc: Pattillo, Chris
Subject: Deaign Review Board for JL Square project
Attachments: JLS housing 2013.doc

I have attached some brief comments regarding the Jack London Square Development Project proposal for sites D and F2.

Thank you for your consideration of my comments.

Sincerely,
Sandy Threlfall
Executive Director
Waterfront Action

Payne, Catherine

From: Sandra Threlfall <threlfall@pacbell.net>
Sent: Thursday, March 27, 2014 12:25 PM
To: Payne, Catherine
Subject: Ellis Partners" Jack London towers project

Dear Catherine Payne,

I would like to find the current status of this project. Will they be doing a Health Impact Assessment analysis for it? The HIA was brought up at the Community meeting last month.

Thank you,
Sandra Threlfall

Payne, Catherine

From: Vivian Kahn <viviankahn@comcast.net>
Sent: Thursday, May 08, 2014 10:18 AM
To: Payne, Catherine
Subject: Re: Jack London Sq Dev Project Hearing

Thanks for the update, Catherine.

Vivian

On May 8, 2014, at 10:13 AM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

> Yes, this item is now scheduled for the May 21 Planning Commission
> agenda. The report will be available next Friday (May 16), at:
> <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/o/Commissions/index.htm>
> ni
> ng/o/Commissions/index.htm
>
> Please let me know if you have additional questions. Thank you.
>
>
> Catherine Payne
> City of Oakland Bureau of Planning
> 250 Frank Ogawa Plaza, Suite 2114
> Oakland, CA 94612
> Email: cpayne@oaklandnet.com
> Phone: 510.238.6168
> Hours, M, T, Th, F, 9 a.m. - 2 p.m.
>
>
>
> -----Original Message-----
> From: Vivian Kahn [<mailto:viviankahn@comcast.net>]
> Sent: Tuesday, May 06, 2014 10:45 PM
> To: Payne, Catherine
> Subject: Jack London Sq Dev Project Hearing
>
> Hi Catherine,
>
> I see that Item 3 has been pulled. Is there a new date for the
> hearing or have they dropped the proposal?
>
> Vivian
> -----
> Vivian Kahn, FAICP
> KAHN/MORTIMER/ASSOCIATES
> 737 Second Street #307
> Oakland, CA 94607-3007

> (510) 842-0542

>

>

>

>

>

>

Vivian

Vivian Kahn

737 Second Street #307

Oakland, CA 94607-3007

(510) 842-0542

Payne, Catherine

From: Steve Lowe <ewolnephets@sbcglobal.net>
Sent: Wednesday, April 23, 2014 4:00 PM
To: Sandra Threlfall
Cc: Payne, Catherine; JLDA Board; Gary Knecht; Chris Patillo; Moore, Jim
Subject: Re: Jack London Square Towers

Dear Sandy:

The letter your Waterfront Action group is providing illustrates very well how distorted the original vision for our waterfront has become – and how wrongheaded both the Port and the developers selected via the Port's RFP process have been with respect to the promises made regarding retail mix and leasing policy.

If more concessions are to be made in order to mitigate such failure and, at times, arrogant disrespect for community collaboration in determining the highest and best interests of the public on public trust property, then a binding Community Benefits Agreement should be mandated by Council to accompany such new, extra and, most likely, financially consequent subsidies, especially if the Port and the City will be granting such concessions with the expectation that the developer(s) will more than likely be flipping the property as soon as such entitlements can be secured.

While the thoughts I'm expressing do not represent a formal position of the Jack London District Association, the discussions we have had around the Boardroom table are laced with more than cynicism with regard to this embarrassingly difficult subject – embarrassing in that all of the objections, suggestions and offerings from the community have almost always been rejected out of hand by Oakland's inbred power structure.

Cordially,

- S

On Apr 23, 2014, at 12:43 PM, Sandra Threlfall <info@waterfrontaction.org> wrote:

Catherine,

I am sending these documents to enhance your understanding of Public Trust requirements, based on our conversation at the Aquatic Center a few weeks ago. Waterfront Action opposes any changes to the original development agreement, both the amendment and the extension.

I have included the December letter and two attachments related to the "Stipulated Agreement of 2005."

Thank you,

Sandra Threlfall
Executive Director

<JLS Stipulated Judgement 5-6.pdf><JLS Stipulated Judgement 18-25.pdf><JLS Dec.2013 letter.pdf><JLS
Public Trust issues.pdf>

Payne, Catherine

From: Tefford Reed <tef4d@yahoo.com>
Sent: Saturday, March 29, 2014 12:42 PM
To: Payne, Catherine
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Hello Catherine,

Hope all is well. I see that it looks like the Ellis Partners Jack London project was taken off of the agenda for April as you predicted. Do you have any insight into the planned meetings for this project. Way back when it was a Planning meeting and then two council meetings required to push things through. Is this still the case?

Do you know the next time this project will come up in planning, zoning or council?

Thanks for your help,

teff

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Tefford Reed <tef4d@yahoo.com>
Sent: Monday, March 3, 2014 9:05 AM
Subject: RE: Planning variances for D and F2 Jack London Building Proposals

The item is currently TENTATIVELY scheduled for Planning Commission on April 2. However, that may move out into May. Do I have your mailing address to ensure you receive the agenda and future notices?

Catherine Payne
City of Oakland Department of Planning and Building
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: cpayne@oaklandnet.com
Phone: 510.238.6168
Hours, M, T, Th, F, 9 a.m. – 2 p.m.

From: Tefford Reed [<mailto:tef4d@yahoo.com>]
Sent: Sunday, March 02, 2014 8:44 PM
To: Payne, Catherine
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Any visibility yet to when the next meeting on the Jack London development will be? Last we talked you were thinking some time in March. Just want to make sure there is appropriate neighborhood participation for the next meeting.

t

From: Tefford Reed <tef4d@yahoo.com>
To: "cpayne@oaklandnet.com" <cpayne@oaklandnet.com>
Sent: Sunday, February 16, 2014 1:07 PM
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Can you please tell us when the next planning or zoning meeting for this project will be and if know when it might end up on the city council's agenda?

teff

From: Tefford Reed <tef4d@yahoo.com>
To: "cpayne@oaklandnet.com" <cpayne@oaklandnet.com>
Sent: Thursday, January 16, 2014 4:32 PM
Subject: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Thanks for taking the time with me yesterday evening to explain the process. I have the drawing package and would like it if you could point me to the proposal and staff recommendation packet for this project on-line?

I am very concerned that although this developer has taken on a project that is very popular with the city government, Jack London Square, they have not proven to be great stewards of the licenses they have been given so far and seem to be coming back to the city government looking for a blank check without regard for neighborhood impacts.

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with this developer in the last 10 years has not really worked, what makes us as a city think their performance will be better in the next 15 years?

I appreciate if you would enter these concerns into the record and we invite the commission to come down to our neighborhood any time for a little tour,

Teff Reed
510-772-7821

plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for residential use either on the date on which the removal requirement is adopted or becomes applicable to the area.

(c) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

(d) The display is not required to be removed because of an overlay zone, combining zone, or any other special zoning district whose primary purpose is the removal or control of signs.

(e) The display is allowed to remain in existence for the period of time set forth below after the enactment or amendment after January 1, 1983, of any ordinance or regulation necessary to bring the entity requiring removal into compliance with Section 5412, and after giving notice of the removal requirement:

<i>Fair Market Value on Date of Notice of Removal Requirement</i>	<i>Minimum Years Allowed</i>
Under \$1,999	2
\$ 2,000 to \$3,999	3
\$ 4,000 to \$5,999	4
\$ 6,000 to \$7,999	5
\$ 8,000 to \$9,999	6
\$10,000 and over	7

The amounts provided in this section shall be adjusted each January 1 after January 1, 1983, in accordance with the changes in building costs, as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs.

§ 5412.2. Removal without compensation; displays on incorporated agricultural areas; requirements; adjustments

A city or city and county, whose ordinances or regulations are otherwise in full compliance with Section 5412, is not in violation of that section if the entity elects to require the removal without compensation of any display which meets all the following requirements:

(a) The display is located within an incorporated area shown as agricultural on a local general plan as of either the date an ordinance or regulation is enacted or becomes applicable to the area which incorporates the provisions of this section.

(b) The display is located within an area zoned for agricultural use either on the

Payne, Catherine

From: Tefford Reed <tef4d@yahoo.com>
Sent: Sunday, March 30, 2014 6:36 PM
To: Payne, Catherine
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Tnx.

t

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Tefford Reed <tef4d@yahoo.com>
Sent: Sunday, March 30, 2014 11:29 AM
Subject: RE: Planning variances for D and F2 Jack London Building Proposals

The project is currently scheduled to be reviewed by the Planning Commission on May 7, 2014. Council dates would be scheduled after a recommendation is received from the Planning Commission (and Council requires a 30-day notice for the General Plan Amendment so the earliest would be mid-June). Yes, the project still requires Planning Commission, followed by 2 visits to the City Council. You are now on the project-specific mailing list so you will receive a hard copy of all future agendas for the this project. Please let me know if you need any additional information.

Catherine Payne
City of Oakland Department of Planning and Building
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: cpayne@oaklandnet.com
Phone: 510.238.6168
Hours, M, T, Th, F, 9 a.m. – 2 p.m.

From: Tefford Reed [mailto:tef4d@yahoo.com]
Sent: Saturday, March 29, 2014 12:42 PM
To: Payne, Catherine
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Hello Catherine,

Hope all is well. I see that it looks like the Ellis Partners Jack London project was taken off of the agenda for April as you predicted. Do you have any insight into the planned meetings for this project. Way back when it was a Planning meeting and then two council meetings required to push things through. Is this still the case?

Do you know the next time this project will come up in planning, zoning or council?

Thanks for your help,

teff

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Tefford Reed <tef4d@yahoo.com>
Sent: Monday, March 3, 2014 9:05 AM
Subject: RE: Planning variances for D and F2 Jack London Building Proposals

The item is currently TENTATIVELY scheduled for Planning Commission on April 2. However, that may move out into May. Do I have your mailing address to ensure you receive the agenda and future notices?

Catherine Payne
City of Oakland Department of Planning and Building
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: cpayne@oaklandnet.com
Phone: 510.238.6168
Hours, M, T, Th, F, 9 a.m. – 2 p.m.

From: Tefford Reed [<mailto:tef4d@yahoo.com>]
Sent: Sunday, March 02, 2014 8:44 PM
To: Payne, Catherine
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Any visibility yet to when the next meeting on the Jack London development will be? Last we talked you were thinking some time in March. Just want to make sure there is appropriate neighborhood participation for the next meeting.

t

From: Tefford Reed <tef4d@yahoo.com>
To: "cpayne@oaklandnet.com" <cpayne@oaklandnet.com>
Sent: Sunday, February 16, 2014 1:07 PM
Subject: Re: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Can you please tell us when the next planning or zoning meeting for this project will be and if know when it might end up on the city council's agenda?

teff

From: Tefford Reed <tef4d@yahoo.com>
To: "cpayne@oaklandnet.com" <cpayne@oaklandnet.com>
Sent: Thursday, January 16, 2014 4:32 PM
Subject: Planning variances for D and F2 Jack London Building Proposals

Catherine,

Thanks for taking the time with me yesterday evening to explain the process. I have the drawing package and would like it if you could point me to the proposal and staff recommendation packet for this project on-line?

I am very concerned that although this developer has taken on a project that is very popular with the city government, Jack London Square, they have not proven to be great stewards of the licenses they have been given so far and seem to be coming back to the city government looking for a blank check without regard for neighborhood impacts.

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Teff Reed
510-772-7821

Payne, Catherine

From: MM Kirsch <mmkirsch@sbcglobal.net>
Sent: Monday, December 16, 2013 10:11 PM
To: Payne, Catherine
Subject: Development projections for Jack London district

I would like to quickly give you feedback on the local resident and business opinions of the proposed developments in Jack London Square.

The parking lot at Embarcadero and Broadway has 3 proposed uses. It is a rather small parcel that could be incorporated into the "low rise" nature of the surrounding buildings. A high rise structure seems to be very much out of context and has the potential to "wall off" the waterfront to residents and visitors as well.

I am unsure of the impact of a high rise building at the other end of JLS, but it make better sense to locate it there. There are few buildings by the train station, and, hopefully, there would be little impact on the character of that neighborhood.

We hope that the city of Oakland and the developers of properties that could generate tax income would not be blinded by short term financial goals, but find a resolution that would be in the best interest of the community. We, the local residents, have invested ourselves and our investments and our faith in the future of a better Oakland... An Oakland with a vibrant and caring community.

Sincerely,
Martha Kirsch

Payne, Catherine

From: MM Kirsch <mmkirsch@sbcglobal.net>
Sent: Tuesday, December 17, 2013 11:20 PM
To: Payne, Catherine
Subject: Fw: Jack London development

----- Forwarded Message -----

From: MM Kirsch <mmkirsch@sbcglobal.net>
To: "cpayne@oaklandnet.net" <cpayne@oaklandnet.net>
Sent: Monday, December 16, 2013 11:00 PM
Subject: Jack London development

Catherine Payne,

Thank you for your presence on Dec. 11, and clarity regarding the city of Oakland's position and regulations in regards to the proposed development of parcels in Jack London Square.

I am a current resident of the area, and have opinions and concerns that maybe reflected by many of my neighbors who were unable to attend the informative meeting of December 11. It was informed to the public that there would be a design review of the proposals on the week of 12/16. This is a very busy week for resident and staff of the city as well!

I am totally opposed to a "high rise" tower in the Embarcadero/site at Embarcadero and Broadway! I believe that a high tower is totally inappropriate for this site. The scope and density of the building is appallingly out of character with the low rise nature of the current waterfront and produce market that exist.

Keeping a low profile along the waterfront provides a convivial and welcoming path to the enjoyment of residents and visitors as well.

Marcy Kirsch

Payne, Catherine

From: Paul Brousseau <object88@gmail.com>
Sent: Thursday, December 12, 2013 7:33 AM
To: Payne, Catherine
Subject: Jack London planning feedback

Good morning Catherine,

First off, let me say thank you for the clarity behind the review process, which you brought to last night's meeting around the development plans in Jack London Square by Ellis.

My thoughts on the subject... Build up, up, up. Oakland is both landlocked and growing. With proper planning, the city can grow, and it makes more sense to me to allocate for that with new construction on empty spaces, than to displace existing building in the future.

Furthermore, Jack London does need more people. I moved into the area 3 years ago, and in the small time, it seems to have grown tremendously. It's no longer easy to casually walk into Chop Bar for dinner, as I did for a week while painting and moving into my place... And that's a good thing. It means a healthy and thriving business and more tax revenue.

And yet, we don't have a grocer. I believe the developers; we need a critical mass of residents, and it seems foolish to "maybe" get there with a low or medium rise building. Go up, up, up and get more people in. (That will also attract a lot more restaurants, maybe even freeing up a space at Chop Bar...?)

Will it change JLS? Yes, of course it will. I think going full high-rise will change it for the better.

Thanks for reading.

Sent from my iPhone

Payne, Catherine

From: Joanna Adler <joannaadler@yahoo.com>
Sent: Wednesday, January 15, 2014 11:41 PM
To: Payne, Catherine
Subject: Minimum project for JLS

Catherine -

I have a question about the question of "minimum project." After the meeting, Mr. Rubenstein (sp?) from JLSP came up to me and said that I was wrong about Site D being part of the minimum project. He said that it was Site D *OR* one of the F buildings. So I went to the Development Agreement, which I found is indeed now online (thank you), and here is what is says on page 115 (Exhibit E: Minimum Project) of the pdf:

"1. Development of improvements on Development Parcel Site D and and Development Parcel Site F-1, as shown on the Site Plan, containing a minimum of 145,000 square feet of space in the aggregate for any of the uses permitted for such Development Parcels pursuant to the Project Approvals, and in accordance with all terms and conditions of the Project Approvals."

I'm not a lawyer, so I don't really understand this. The spirit of the agreement that was discussed leading up to this agreement was quite clearly to say that the developer needed to build at least these two buildings, but what I understand in reading this is that they only have to build 145K square feet within one or both of these buildings (not F2/F3) -- is that correct? If so, this is the kind of frustration we face as citizens who do not get to see the DA, no matter how many times we ask for it...

Also, one of the Commissioners mentioned not understanding the JLS project's 24/7 aspect, and you might want to explain that they had originally marketed the project as having a world class cooking school, an art house movie theater, and offering more retail similar to the SF Ferry Building --- things that were supposed to give the area more appeal on evenings and weekends. They also have California Canoe and Kayak, which is a major source of cohesion holding the waterfront and retail together. Anytime you can see the waterfront in action - kayaks, ferries, ships, etc - it's great to have a reminder of the commerce, sport, and wildlife the water provides.

In regards to the Site G dwelling units that I asked you about - you said that it is in the DA, but I can't find it. Can you point me in the right direction? I can't find the footprint and height parameters either -- I know what was agreed to in the City Council meeting, but since things appeared to have changed behind closed doors and on paper, I'd love to have that pointed out to me. I'm trying to keep the sarcasm and bitterness out... and I'm trying to remind myself that I'm *FOR* residential being added to Jack London Square. I just want to see it be done in a way that makes sense. I can't appreciate their ways in trying to make it happen.

One last request -- can you make sure my name is added to the snail mail notices? I post them in our building for others to see. My address is:

Joanna Adler
255 3rd St., #305
Oakland, CA 94607

Thank you for your help.

Cheers,
Joanna

