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# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Darin Ranelletti,  
Interim Director, PBD

**SUBJECT:** MacArthur BART Parcels A and C1  
Revision to FDP

**DATE:** November 10, 2016

City Administrator Approval

Date:

11/8/16

## RECOMMENDATION

**Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution, as Recommended by the Planning Commission, Revising the MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01), Relying on the 2008 MacArthur Station Project Environmental Impact Report and Addenda, Finding that No Additional Environmental Review is Needed Pursuant to CEQA Guidelines Sections 15162-15164 and Adopting Related CEQA Findings.**

## REASON FOR SUPPLEMENTAL REPORT

On November 2, 2016, the Oakland Planning Commission considered a proposed revision to the Final Development Permit (FDP) for Parcel A and C-1 at MacArthur Transit Village to substitute live/work units and community space for ground-floor retail space, reduce parking and add a driveway on Telegraph Avenue. This item was originally scheduled for the October 19, 2016 Planning Commission agenda, but was continued to the November 2, 2016 Planning Commission agenda at the request of MacArthur Community Transit Partners, LLC ("MTCP" or applicant) as the applicant sought additional comments from the Temescal Telegraph Business Improvement District ("TTBID") on the proposed revisions.

The Planning Commission approved the proposed revisions to the FDP and recommended to the City Council the inclusion of the following additional FDP conditions of approval that the applicant proposed and has voluntarily agreed with:

- Increase retail leasing period by six months, from 33 to 39 months, prior to any conversion of space from retail to live/work. The leasing period would include the 24-month construction period and an additional 15 months following issuance of Temporary Certificate of Occupancy, for a total of 39 months; and
- Contribute \$75,000 to Temescal Telegraph Business Improvement District, specifically for the purpose of providing pedestrian street lighting on Telegraph Avenue between West MacArthur Boulevard and 40<sup>th</sup> Street.

Accordingly, the supplemental staff report includes a new attachment that consists of the adopted Parcels A and C1 FDP conditions of approval with the inclusion of the conditions of

Item: \_\_\_\_\_

Community and Economic Development Committee  
November 15, 2016

approval recommended by the Planning Commission at their regularly scheduled hearing on November 2, 2016 (see Attachment A).

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution, as recommended by the Planning Commission, revising the MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01), relying on the 2008 MacArthur Station Project Environmental Impact Report and Addenda, finding that no additional environmental review is needed pursuant to CEQA Guidelines Sections 15162-15164 and adopting Related CEQA findings.

For questions regarding this report, please contact Catherine Payne, Planner IV, at (510) 238-6168 or [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com).

Respectfully submitted,



Darin Ranelletti, Interim Director  
Planning and Building Department

Reviewed by:  
Robert Merkamp, Development Manager

Prepared by:  
Catherine Payne, Planner IV

**Attachments (1):**

- A. Parcels A and C1 FDP Conditions of Approval, as Recommended by the Planning Commission on November 2, 2016

**MacArthur Transit Village  
Parcels A and C1 Final Development  
PUDF08-R01**

**CONDITIONS OF APPROVAL**

**(As adopted on July 1, 2008, Affirmed on May 19, 2015 by the Oakland City Council, and Additional Conditions of Approval Recommended by the Oakland Planning Commission on November 2, 2016)**

**Conditions Proposed by Planning Commission on November 2, 2016 are shown in underscored and bold text (#s 41 and 42).**

**Part 1: General Conditions of Approval**

**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, and the plans submitted on **May 28, 2008**, 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 require prior written approval from the Director of City Planning or designee. The project may however increase the number of permitted residential dwelling units up to a maximum of 675 dwelling units, as analyzed in the MacArthur Transit Village Project EIR provided that a) the ratio of affordable units (20% of market rate units) is maintained; and the resulting project design with the additional units shall conform in all major respects with the approved Preliminary Development Plan.

b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

**i. Planned Unit Development (PUD), under Oakland Planning Code Chapters 17.122 and 17.140;**

**ii. Major Conditional Use Permit (CUP), under Oakland Planning Code Chapter 17.134; and**

**iii. Design Review, under Oakland Planning Code Chapter 17.136**

c) This Approval shall not become effective unless the proposed legislative actions (rezoning and text amendment) occur as stated in Condition of Approval 20.

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

**Ongoing**

Unless a different termination date is prescribed, this Approval shall expire **two years** from the approval date, unless within such period all necessary permits for construction of Stage 1

(the BART Parking Garage) have been issued. 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 two one-year extensions 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. These time periods are "tolled" due to litigation challenging this approval and thus such time shall not be counted toward expiration of this approval. The Preliminary Development Plan Approval for the Planned Unit Development Permit shall expire June 4, 2018 and all Final Development Plan phases shall be reviewed and approved by that date (see below for details on FDP Staging).

### ***FDP Staging***

Submittal of Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period from the date of this approval, as detailed below.

(a) Each stage of FDP is described below:

- i. Stage 1. Stage 1 FDP for the project will include the construction of Building E, the replacement BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive. Stage 1 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 1 FDP within 1 year from the date of this approval. If approved, construction associated with Stage 1 FDP shall commence in earnest by not later than 2 years from the date of Stage 1 FDP approval.
- ii. Stage 2. Stage 2 FDP for the project will include construction of Building D, consisting of a minimum of 90 below market rate rental units. Stage 2 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 2 FDP within 3 years from the date of this approval. If approved, construction associated with Stage 2 FDP shall commence in earnest by not later than 2 years from the date of Stage 2 FDP approval.
- iii. Stage 3. Stage 3 FDP for the project will include construction of Building A, consisting of up to 240 ownership residential units and 26,000 square feet of commercial space. All street improvements, including the completion of Village Drive and any new traffic signals required by the project, will be completed in this phase. This phase will also include the completion of a public plaza directly across Frontage Road from the existing BART Plaza. Stage 3 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 3 FDP within 4 years from the date of this approval. If approved, construction associated with Stage 3 FDP shall commence in earnest not later than 2 years from the date of Stage 3 FDP approval.
- iv. Stage 4. Stage 4 FDP for the project will include the construction of Building B, consisting of up to 150 ownership residential units and 5,500

square feet of commercial space. Stage 4 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 4 FDP within 8 years from the date of this approval. If approved, construction associated with Stage 4 FDP shall commence in earnest not later than 2 years from the date of Stage 4 FDP approval.

- v. Stage 5. Stage 5 FDP for the will include the construction of Building C, consisting of up to 195 ownership residential units and 12,500 square feet of commercial space. This phase will also include the construction of a community center use on the ground floor of Building C. Stage 5 FDP shall be submitted to the Planning Department for review and processing 10 years from the date of this approval. If approved, construction associated with Stage 5 FDP shall commence in earnest not later than 2 years from the date of Stage 5 FDP approval.

- (b) For purposes of this conditions, the term "commence in earnest" shall mean to initiate activities based on a City-issued building permit and other necessary permit (s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of final certificate of occupancy, including successful completion of building inspections to keep the building permit and other permits active without the benefit of extension.
- (c) Provided that Stage 1 and 2 FDPs are approved in accordance with the above time frames, the Developer shall have the discretion to change which buildings (A, B, or C) are constructed in which Stages (3, 4 or 5) provided that the FDP submittal dates for these stages remain the same. All other modifications to FDP staging shall be subject to review and approval by the Planning Commission.
- (d) FDP Stages may be combined and reviewed prior to the outlined time frames. If each stage of FDP is not submitted/completed within the time frames outlined above, the PDP shall be considered null and void.
- (e) If, subsequent to this approval, a Development Agreement for this project is adopted by the City, the phasing and construction timeframes prescribed within the Development Agreement shall supersede this condition of approval and govern construction phasing for the project.

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

***Ongoing***

The project is approved pursuant to the Planning Code only. 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 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 the project sponsor obtaining site control, 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, 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 and Mitigation Measures if it is found that there is violation of any of the Conditions, 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.

**5. Signed Copy of the Conditions and Mitigation Measures**

***With submittal of a demolition, grading, and building permit***

A copy of the approval letter and Conditions 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.

**6. Indemnification**

***Ongoing***

- a) The project applicant shall defend (with counsel reasonably 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 their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

**7. Conditions of Approval/Mitigation Monitoring Program**

***Ongoing***

- a) All mitigation measures identified in the MacArthur Transit Village Project EIR are included in the Mitigation Monitoring and Reporting Program (MMRP) which is included in these conditions of approval and are incorporated herein by reference, as *Exhibit 1: Standard Conditions of Approval and Mitigation Monitoring and Reporting Program*, as conditions of approval of the project. The Standard Conditions of Approval

identified in the MacArthur Transit Village EIR are also included in the MMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the MMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer, Applicant or MTCP) 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 MMRP 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.

- b) For purposes of these conditions of approval, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

**8. 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 mitigations, and if any one or more of such conditions and/or mitigations 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 mitigations consistent with achieving the same purpose and intent of such Approval.

**9. 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 mitigations, shall be available for review at the job site at all times.

**10. 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 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 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.

**11. 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 each stage of the project is required. 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 plans shall include a detailed planning schedule showing the proposed location, size, 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) 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.

**12. Landscape Requirements for Street Frontages.*****Prior to issuance of a final inspection of the building permit***

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. 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, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

**13. Assurance of Landscaping Completion.*****Prior to Issuance of a Certificate of Occupancy***

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 or 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. Landscape Maintenance.*****Ongoing***

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 fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**15. Bicycle Parking*****Prior to the issuance of first certificate of occupancy***

The applicant shall submit for review and approval of the Planning and Zoning Division and Transportation Services Division, a bicycle parking plan that shows bicycle storage and parking facilities to accommodate a minimum of 40 short-term bicycle parking spaces (31 for residential uses and 9 for commercial uses) onsite or on public sidewalk, and a minimum of 160 long-term bicycle parking spaces (156 for residential uses and 4 for commercial uses). The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.



***Prior to approval of Final Development Plan for Stage 1***

Additionally, the project applicant shall work with the City's Transportation Services Division and BART to implement the City's goals for bicycle parking at Railroad and Bus Terminals (provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the BART station). The project applicant shall study the feasibility of providing a long-term bike parking facility within the BART plaza, commercial area of the development (i.e., café with bicycle storage or bicycle sales and repair shop and storage) or within the proposed parking garage. Said study shall consider economic and physical feasibility and shall be reviewed by the City's Transportation Services Division, Planning and Zoning Division and BART. If the study finds that such a facility is feasible in the commercial area or parking garage: the project applicant shall use its best efforts during the initial marketing of the commercial space to market a portion of the commercial space to potential bike parking facility operators for a market-rate commercial operation, or include a market-rate, long-term bike facility within the parking garage. If the study finds that options for bike parking within the commercial area or parking garage are not feasible, then the project sponsor shall have no further commitment with respect to the long-term bicycle parking for BART.

**PART 2: Additional Conditions of Approval for Major Projects****16. 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.

**17. 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 proposed project traffic signals (MacArthur Boulevard/Frontage Road and Telegraph Avenue/40<sup>th</sup> Street), 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.

**18. Payment for Public Improvements**

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

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

**19. Compliance Plan**

*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 plan 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 mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance plan for review and approval. The compliance plan 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 plan and provide it with each item submittal.

**PART 3: Project-Specific Conditions of Approval**

**20. Rezoning and Zoning Text Amendment**

*Required prior to this approval becoming effective*

This Approval shall not become effective unless the Zoning Map Amendment and S-15 Text Amendment related to open space standards are adopted by the City Council. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) the adjudicatory land use decisions of the Planning Commission (including planned unit development permit, design review, and the conditional use permit), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

**21. Residential Parking Permits.**

*Required prior to the demolition of the BART surface parking lot; or prior to elimination of half of the existing BART parking spaces*

The project sponsor shall work with the City of Oakland to implement a Residential Parking Permit (RPP), in accordance with all legal requirements, within one quarter mile radius around the station in the residential neighborhoods west of Highway 24 and the BART station, north of 40<sup>th</sup> Street, east of Telegraph Avenue and south of West MacArthur Boulevard. The street segments to be included in the RPP program are generally shown in Exhibit C-4. The RPP would restrict on-street parking by non-residents to less than two hours during the weekdays. The project sponsor shall fund this effort up to a maximum of \$150,000. If approved, the RPP program should be implemented prior to elimination of more than 50% of the existing BART parking spaces. To the extent possible, the City will explore using any surplus/excess revenues from enforcement of the RPP program to reimburse the project applicant for costs incurred by project sponsor in connection with the RPP program pursuant to this Section 21. If the City does not approve this RPP program within two years from the date of the completion of the new BART parking garage, the project sponsor shall have no further obligation to pursue or fund any RPP program and the City shall reimburse the project sponsor for any unused funds provided by the project sponsor to the City pursuant to this condition.

**22. Traffic Demand Management (TDM) and Parking Program**

***Prior to and ongoing throughout demolition, grading, construction activities and operation of the project***

The project is conditioned on the implementation of a TDM program by MTCP and effectively monitored by the City, as required in MMRP Mitigation Measures Trans-4 and Trans-9. A draft TDM Plan prepared by Nelson Nygaard dated May 27, 2008, and is included herein as Exhibit C-2. The final TDM Plan, as stipulated in the MMRP, is subject to review by BART, AC Transit and the review and approval by the City of Oakland.

Funding for monitoring, reporting and review of the TDM program shall be provided by the project sponsor.

In addition to the CEQA requirements for a TDM program, the TDM program described in MMRP Mitigation Measures Trans-4 and Trans-9 is also designed to promote the City's Transit First Policy of the general plan, reduce parking demand and lessen parking impacts on adjacent neighborhoods and to promote good urban design by reducing the number and size of parking facilities. Therefore MMRP Mitigation Measures Trans-4 and Trans-9 are also imposed as a separate non-CEQA conditions of approval and the TDM program shall be incorporated into the project, for the duration of the project, to maximize parking capacity and help ensure that these goals are met.

**23. Minimum Right-of-Way for Fire Emergency Vehicle Access.**

***Prior to approval of Each Stage of Final Development Plan or Vesting Tentative Map and Ongoing***

The project shall accommodate the intent of the 2008 fire code provisions for increased right-of-way access as follows:

- (a) Village Drive will be maintain an unobstructed right-of-way distance of 26 feet.
- (b) Internal Street will include two (2) 26-foot wide staging areas and the remaining right-of-way will remain 20 feet wide.
  - i. The staging areas will be a minimum of 30 feet in length.
  - ii. No parking or landscaping will be permitted in the staging areas.
  - iii. The location of the staging areas will be based on a ladder study to be completed by MTCP in consultation with the Fire Department.
  - iv. Fire hydrants will be staggered outside of the staging areas.
- (c) Frontage Road will include one (1) 26-foot wide staging area and the remaining right-of-way will remain the same.
  - i. The staging area for the frontage road will be located approximately 30 feet north of the crosswalk on the north side of the parking garage.
  - ii. The staging area will be a minimum of 30 feet in length.
  - iii. No parking or landscaping will be permitted in the staging areas.
- (d) In addition to incorporating staging areas and setting a minimum unobstructed street width of 26 feet for Village Drive and 20 feet for Internal Street, as described above, the project sponsor will include Alternate Materials and Methods Requests (AMMRs) into the project to the satisfaction of the Fire Chief. The appropriate AMMRs will be determined by the Fire Chief's review of Final Development Plans or Vesting Tentative Maps, and may include the following measures:
  - i. Increased sprinkler density (provide sprinklers in bathrooms and closets)

- ii. Install 8-head instead of 4-head sprinklers
- iii. Design fire hydrants with a minimum 200 foot separation
- iv. Provide dual water connections and water sources per building
- v. Provide Fire Department Connections (FDCs) on each street (minimum of 2 per building)

**24. Air Filtration/Ventilation System.**

***Prior to issuance of a building permit***

Although the studies conducted for the EIR demonstrate that the project site was found to be below the significance criteria for health risk based on the assessment prepared in accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment for exposure to vehicular exhaust from roadways, the project sponsor has agreed to incorporate into the project a mechanical ventilation system that meets the efficiency standard of the MERV 13 for those units with windows fronting the freeway or Frontage Road. The ventilations shall be subject to review and approval by the City's Building Services Division. Appropriate maintenance, operation and repair materials will be furnished to project residents.

**25. Components of Final Development Plans.**

***Prior to approval of Any Final Development Plans***

In accordance with the Planning Code Chapter 17.140, each stage of FDP shall:

- (a) Conform to all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008, and included as Exhibit F;
- (b) Comply with development standards of the S-15 Zone, except and modified for building height as bonus for the Planned Unit Development and shown in the Preliminary Development Plan;
- (c) Be consistent with the MacArthur Transit Village Design Guidelines included in these conditions as Exhibit C-3;
- (d) Include all information included in the preliminary development plan plus the following:
  - i. the location of water, sewerage, and drainage facilities;
  - ii. detailed building floor plans, elevations and landscaping plans;
  - iii. the character and location of signs;
  - iv. plans for street improvements; and
  - v. grading or earth-moving plans.
- (e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the development stage; and
- (f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall be submitted with each Final Development Plan.

**26. Subdivision Maps**

***Prior to final approval of Each Final Development Plan***

Final Development Plans shall be accompanied by subdivision maps as required to subdivide the property. The subdivision maps shall be reviewed and processed in accordance with Title 17, Subdivisions, of the City of Oakland Municipal Code and the Subdivision Map Act.

**27. Final Development Review and Approval by City Council.**

***Prior to final approval of Any Final Development Plan***

All Final Development Plan(s) shall be subject to review and recommendation by the Planning Commission's Design Review Committee and Planning Commission, with final approval by the City Council.

**28. Minimum Setback to Buildings Adjacent to Project Site.*****Prior to issuance of a building permit***

All buildings within the project shall maintain a minimum 5 foot setback, except at the ground level, to existing buildings adjacent to the project site. The applicant shall show all proposed building setbacks on the plans submitted for a building permit.

**29. Safety Plan.*****Prior to issuance of a building permit***

The project sponsor shall work with the Oakland Police Department and the Planning and Zoning Division to prepare a safety plan for the portion of the project area along Frontage Road between the BART Garage and the BART Plaza. Without limiting the foregoing, the safety plan shall assess the efficacy and feasibility of installing video security cameras along Frontage Road. The project sponsor shall implement the approved recommendations/conclusions of the safety study including, if determined necessary and feasible by the City, the implementation of video cameras.

**30. Special Project Driveway Design Improvements.*****Prior to approval of Each Final Development Plan Stage or Vesting Tentative Map and Ongoing***

To limit conflicts between pedestrians, bicycles and vehicles entering and exiting the BART parking garage and residential parking garages within the project, the project driveways shall incorporate the following design measures, subject to review and approval of the City's Transportation Services Division (TSD):

- (a) Install a high-visibility crosswalk across Frontage Road connecting the BART garage to the western sidewalk. Note that currently, the City of Oakland does not install high visibility crosswalks at signalized intersections unless there are problems with sight distance.
- (b) For driveways along Internal Street, provide adequate sight distance at all residential garage exits. End the ramp before the sidewalk so that the sidewalk remains level and vehicles do not encroach on the sidewalk. Landscaping should be maintained so that adequate sight distance is provided. Consider installing pedestrian warning lights to alert pedestrians to exiting vehicles at driveways with high pedestrian volumes and limited sight distance. Installation of loud audible warning devices is not recommended.
- (c) For the driveway along Village Drive, provide adequate sight distance the garage exit. End the ramp before the sidewalk so that the sidewalk remains level and vehicles do not encroach on the sidewalk. Landscaping should be maintained so that adequate sight distance is provided. Consider installing pedestrian warning lights to alert pedestrians to exiting vehicles at driveways with high pedestrian volumes and limited sight distance. Installation of loud audible warning devices is not recommended.

**31. Pedestrian Access Paths.*****Prior to approval of the Final Development Plan for Stages 1 and 5 or Vesting Tentative Map and Ongoing***

Design the paths between Internal Street and West MacArthur Boulevard, and Internal Street and Telegraph Avenue for pedestrian use only.

The two 10-foot wide paths shown on the Preliminary Development Plan between the southern end of Internal Street and West MacArthur Boulevard, and between Internal Street and Telegraph Avenue, along the southern edge of Block C shall be restricted to pedestrian use and signage shall be provided to mark the paths for pedestrian use only.

**32. Internal Street.**

***Prior to approval of the Final Development Plan for Stages 1 or Vesting Tentative Map and Ongoing***

The developer shall reserve "Internal Street" on the owner's statement of the Final Map for private street purposes and clearly indicate who will benefit and maintain the private street. The private street maintenance language shall be included in the subdivision CC&R and reviewed and approved by Planning Director and City attorney. The developer shall provide proof on how the private street shall be maintained. Unless otherwise approved by the Engineering Division, the private street shall be constructed to the City's standard details for public street construction.

**33. Specific Project Intersection Improvements.**

***Prior to approval of Final Development Plan for Stage 3 or Vesting Tentative Map and Ongoing***

In order to enhance pedestrian activity and safety to and from the project site, the following measures shall be implemented, subject to review and approval by the City's Transportation Services Division (TSD):

- (a) For the intersection of 40<sup>th</sup> Street and the Frontage Road:
  - i. Prohibit right turns on red and provide a leading pedestrian interval.
  - ii. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)
  - iii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
  - iv. Install audible pedestrian countdown signals
  - v. Provide separate curb ramps for each cross walk
- (b) For the intersection of Telegraph Avenue and Village Drive
  - i. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)
  - ii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
  - iii. Install audible pedestrian countdown signals
  - iv. Provide separate curb ramps for each cross walk
- (c) For the intersection of Frontage Road and Village Drive
  - i. Install high visibility cross walks (i.e., ladder striping or colored pavement)
  - ii. Provide a raised intersection with high visibility striping to connect pedestrians from the BART plaza to Village Drive
  - iii. Install signage (i.e., "Left Turn Only, Except Shuttles and Bicycles") and striping at this intersection to prohibit south bound traffic except shuttles and bicycles from continuing south to West MacArthur Boulevard.
- (d) For the intersection of West MacArthur Boulevard and Frontage Road
  - i. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)

- ii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
- iii. Install audible pedestrian countdown signals
- iv. Provide separate curb ramps for each cross walk
- v. Install bulb-outs at corners

(e) For the intersection of the BART Garage and Frontage Road

- i. Construct curbs and provide striping to prohibit vehicles exiting the BART garage from turning right; and to prohibit northbound vehicle from traveling further north beyond the driveway into the BART garage.
- ii. Provisions should be made to allow through access for emergency vehicles, such as City and BART Police, Fire and Ambulance vehicles.

**34. Coordination of BART Parking and Plaza Improvements**

*Prior to approval of Final Development Plan for Stage 1*

- (a) The BART parking structure shall include a minimum of 300 parking spaces.
- (b) The project applicant shall coordinate with BART to facilitate construction of the BART parking structure and BART Plaza improvements as shown in the Preliminary Development Plan.

**35. Bicycle Access and Bicycle Paths**

*Prior to approval of Final Development Plan for Stage 1 or Vesting Tentative Map and Ongoing*

In order to enhance bicycle safety to and from the project site, the following measures shall be implemented, subject to review and approval by the City's Transportation Services Division:

- (c) Provide two-way bike lanes on Frontage Road. Locate the northbound bike lane west of the northbound (right-turn only) vehicle lane. Southbound bicyclists could use the southbound shuttle lane.
- (d) Install STOP signs for vehicles exiting the BART garage and for southbound shuttles approaching the BART garage.
- (e) Provide adequate sight distance at the garage exit. Landscaping should be maintained so that adequate sight distance is provided.
- (f) Provide signage at the West MacArthur Boulevard/Frontage Road intersection directing bicyclists to the bicycle path or lanes on Frontage Road.
- (g) Install bicycle detection for all actuated through movements or left turns at the new signal at 40th Street and Frontage Road; the new signal at Telegraph Avenue and Village Drive; and West MacArthur Boulevard and Frontage Road.
- (h) Install signage (i.e., "Left Turn Only, Except Shuttles and Bicycles" and "Left Turn Only, Except Shuttles and Bicycles") and striping at the Frontage Road/Village Drive intersection to prohibit southbound and westbound vehicles, except shuttle buses and bicycles, from continuing southbound to West MacArthur Boulevard. (Also see Condition 34 (c) iii).

- (i) Study the feasibility of providing a "bicycle box" at the southbound approach to the West MacArthur Boulevard/Frontage Road/37th Street intersection and at the northbound approach to the Frontage Road/40th Street intersection. Project applicant shall submit said feasibility to the City's Transportation Services Department for review and approval. If said improvement is determined to be feasible, the project applicant shall implement this measure.
- (j) Study the feasibility of using colored pavement or other visual treatments on the bike path or lanes to increase their visibility and use by bicyclists. Project applicant shall submit said feasibility to the City's Transportation Services Department for review and approval. If said improvement is determined to be feasible, the project applicant shall implement this measure.

**36. Area Right of Way Improvements.**

***Prior to approval of Final Development Plan for Stage 3 or Vesting Tentative Map and Ongoing***

Project applicant shall perform feasibility and other studies of the following measures for review and approval by the City Planning Division and Transportation Services Division (TSD). The Project applicant shall implement items determined feasible by the City.

- (a) Removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard.
- (b) Providing street furniture and widening sidewalks where feasible for street frontages immediately adjacent to the project site.

**37. Traffic Monitoring.**

***Prior to project construction, and after completion of project***

Project sponsor shall pay to monitor traffic volumes and speeds on the following roadways in accordance with the schedule below. In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. These potential improvements should be funded by the project applicant, if approved by the City's Transportation Services Division (TSD):

- (a) 37th Street between West MacArthur Boulevard and Telegraph Avenue; Monitoring shall be undertaken before construction, and one year after a certificate of occupancy issued for the BART garage.
- (b) 38th Street between Telegraph Avenue and Webster Street; Monitoring should be undertaken before construction, and about one year after a certificate of occupancy issued for FDP Stage 3, or when eighty (80) percent occupancy is achieved, whichever occurs earlier.
- (c) Clarke Street and Ruby Street between 38th Street and 40th Street; Monitoring should be undertaken before construction, and about one year after a certificate of occupancy issued for FDP Stage 3, or when eighty (80) percent occupancy is achieved, whichever occurs earlier.

**38. Outdoor Active Areas.**

***Prior to approval of Final Development Plan for each stage***



To the maximum extent practicable, exterior active use areas, including playgrounds, patios, and decks, shall either be shielded by buildings or otherwise buffered to further reduce exterior noise for project residents.

**39. BART Garage Elevations**

*Prior to approval of Final Development Plan for Stage 1 and Ongoing*

Final Development Plans for the BART Garage shall include detailed architectural plans demonstrating how the design and building details break up the massing of the parking garage. Signage and advertising on the BART garage shall be subject to the guidelines and standards in the City of Oakland Uniform Sign Code, including Code Section 17.104.060 that prohibits advertising signs, except as permitted via a Franchise Agreement or Relocation Agreement is authorized by the City Council.

**40. Green Roofs/Roof Top Gardens.**

*Prior to approval of Final Development Plan for Stages 2 through 5*

As part of the submittal for each FDP application for each phase of FDP, except Stage 1 (BART parking garage), the project sponsor shall study the feasibility of methods to further reduce heat island effect and/or provide additional open space for resident use. Potential methods include but are not limited to green roofs, roof gardens, roof decks, open or partially enclosed private or common balconies. For purposes of this condition of approval, feasibility as defined above includes the consideration of proximity to the highway or streets, location above livable space, construction type, insurability, long term maintenance, HOA costs, and the use of space for other purposes. The feasibility study for implementing additional methods to further reduce heat island effect and/or provide additional open space for resident use shall be provided to Planning Staff as part of each FDP application. The intent of this condition is to further the sustainable elements of the project design and potentially provide more open space area for the project residents.

**The Applicant has voluntarily agreed to the following conditions:**

**41. Groundfloor Retail Leasing**

**Prior to any conversion of groundfloor space from retail to live/work for Parcels A and C1 Provide active retail leasing period during 24-month construction period and for 15 months following issuance of Temporary Certificate of Occupancy for Parcels A and C1, for a total of 39 months. Work with Temescal Telegraph Business Improvement District (TTBID) during this period to identify and attract retail tenants.**

**42. Pedestrian Street Lighting.**

**Prior to issuance of first construction-related permit for Parcel A or C1**

**Contribute \$75,000 to Temescal Telegraph Business Improvement District, specifically for the purpose of providing pedestrian street-lighting on Telegraph Avenue between West MacArthur Boulevard and 40<sup>th</sup> Street.**

**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 **June 4, 2008, and revised by the Planning Commission on November 2, 2016, as applied to Parcels A and C1.** 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)

## Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the Parcels A and C-1 FDPs.

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 is based on the original MMRP included in the 2008 Project EIR, and thus lists mitigation measures recommended in and Conditions of Approval (COAs) required by the 2008 Project EIR. The SCAMMRP also includes the City’s Standard Conditions of Approval (“SCAs”) imposed by the City on all projects with locational or other characteristics shared by the Parcels A and C-1 FDPs; the City’s intent in imposing these SCAs is to minimize potential adverse effects that could result from implementation of the Parcels A and C-1 FDPs and to ensure the conditions are implemented and monitored. The SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Analysis is also based on the analysis in the following Program EIRs that apply to the Parcels A and C-1 FDPs: Oakland’s 1998 General Plan Land Use and Transportation Element (LUTE) EIR, the 2010 General Plan Housing Element Update EIR and 2014 Addendum, and the Broadway/MacArthur/San Pablo Redevelopment Plan EIR (or “Redevelopment Plan EIR”). However, none of the mitigation measures or SCAs from these are included in this SCAMMRP because an updated and equally effective mitigation measure or SCA, is identified in the 2008 Project EIR or in this CEQA Analysis for the Parcels A and C-1 FDPs. Thus, the revised/current SCAs are designed to and will reduce impacts to less-than-significant levels. To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies the mitigation measure from the 2008 Project EIR that continues to apply to the Parcels A and C-1 FDPs or the Standard Condition of Approval (SCA) that is applicable to the Parcels A and C-1 FDPs pursuant to City of Oakland policy. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic where it first appears. The SCAs are identified by a number that is consistent with the most recent update or

revision to the City's *Standard Conditions of Approval and Uniformly Applied Development Standards* document.<sup>1</sup>

- The second column identifies the monitoring schedule or timing applicable the Project.
- The third column names the party responsible for monitoring the required action for the Project.
- The fourth column summarizes the monitoring procedure.

The Project sponsor is responsible for compliance with any recommendations identified in City approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Bureau of Planning or the Bureau of Building. 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.

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<sup>1</sup> Standard Conditions Of Approval, Department Of Planning and Building, Bureau of Planning, Adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.) Revised July 22, 2015.

STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<b>Biological Resources</b>			
<p><b>SCA-BIO-1: Tree Removal During Bird Breeding Season (#26)</b></p> <p><u>Requirement:</u> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed 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 the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence 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 California Department of Fish and Wildlife, 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.</p> <p><u>When Required:</u> Prior to removal of trees</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to the issuance of a tree removal permit	City of Oakland Bureau of Building	<ul style="list-style-type: none"> <li>Verify that tree removal will not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, verify that the required pre-removal surveys have been conducted, provided to the Planning and Zoning Division, and if necessary an adequate nest buffer is implemented.</li> </ul>
<p><b>SCA-BIO-2: Tree Permit (#27)</b></p> <p><i>a. Tree Permit Required</i></p> <p><u>Requirement:</u> Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p> <p><i>b. Tree Protection During Construction</i></p> <p><u>Requirement:</u> 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:</p> <p>i. Before the start of any clearing, excavation, construction, or other work on the site,</p>	During construction related activities	Public Works Department, Tree Division	<ul style="list-style-type: none"> <li>Verify that adequate tree protection is provided during construction</li> </ul>

STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<p>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 project's consulting arborist. 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.</p> <p>ii. 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 project's consulting arborist 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.</p> <p>iii. 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 project's consulting arborist 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 project's consulting arborist. 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.</p> <p>iv. 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.</p> <p>v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. 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.</p> <p>vi. 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</p>			

STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<p>applicable laws, ordinances, and regulations.</p> <p><u>When Required:</u> During construction</p> <p><u>Initial Approval:</u> Public Works Department, Tree Division</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p> <p><i>c. Tree Replacement Plantings</i></p> <p>Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <p>i. 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.</p> <p>ii. Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least 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.</p> <p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> <li>• For <i>Sequoia sempervirens</i>, three hundred fifteen (315) square feet per tree;</li> <li>• For other species listed, seven hundred (700) square feet per tree.</li> </ul> <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.</p> <p><u>When Required:</u> Prior to building permit final</p> <p><u>Initial Approval:</u> Public Works Department, Tree Division</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>			

STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<b>C. TRANSPORTATION, CIRCULATION AND PARKING</b>			
<p><b>SCA-PSR-1: Construction Management Plan (#13)</b> Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.</p>	Prior to the issuance of the first construction-related permit	City of Oakland Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed	<ul style="list-style-type: none"> <li>Verify that the Construction Management Plan has been prepared and that it meets the standards listed in the SCA.</li> </ul>
<p><b>SCA-TRANS-1: Construction Activity in the Public Right-of-Way (#68)</b> <i>a. Obstruction Permit Required</i> <u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building <i>b. Traffic Control Plan Required</i> <u>Requirement:</u> In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction. <u>When Required:</u> Prior to approval of construction-related permit</p>	Prior to placing any temporary construction-related obstruction in the public right-of-way,	Bureau of Building	<ul style="list-style-type: none"> <li>Verify permit has been acquired, Traffic Control Plan implemented (if required), and that necessary repairs are made to City street (if required) prior to approval of final inspection of construction related permits</li> </ul>



STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<p><u>Initial Approval:</u> Public Works Department, Transportation Services Division</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p> <p><b>c. Repair of City Streets</b></p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p> <p><u>When Required:</u> Prior to building permit final</p> <p><u>Initial Approval:</u> N/A</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-TRANS-2: Bicycle Parking (#69)</b></p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to approval of construction-related permit	Bureau of Planning	<ul style="list-style-type: none"> <li>Verify that project applicant met City of Oakland Bicycle Parking Requirements</li> </ul>
<p><b>SCA-TRANS-3: Transportation Improvements (#70)</b></p> <p><u>Requirement:</u> The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&amp;E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call</p>	Prior to building permit final	Bureau of Building; Public Works Department, Transportation Services Division	<ul style="list-style-type: none"> <li>Verify that applicant has constructed recommended on- and off-site transportation related improvements</li> </ul>

STANDARD CONDITION OF APPROVALS AND MITIGATION MONITORING AND REPORTING PROGRAM			
Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/Inspection
<p>for, among other items, the elements listed below:</p> <ul style="list-style-type: none"> <li>a. 2070L Type Controller with cabinet accessory</li> <li>b. GPS communication (clock)</li> <li>c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)</li> <li>d. Countdown pedestrian head module switch out</li> <li>e. City Standard ADA wheelchair ramps</li> <li>f. Video detection on existing (or new, if required)</li> <li>g. Mast arm poles, full activation (where applicable)</li> <li>h. Polara Push buttons (full activation)</li> <li>i. Bicycle detection (full activation)</li> <li>j. Pull boxes</li> <li>k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum</li> <li>l. Conduit replacement contingency</li> <li>m. Fiber switch</li> <li>n. PTZ camera (where applicable)</li> <li>o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor</li> <li>p. Signal timing plans for the signals in the coordination group</li> </ul> <p><u>When Required</u>: Prior to building permit final or as otherwise specified</p> <p><u>Initial Approval</u>: Bureau of Building; Public Works Department, Transportation Services Division</p> <p><u>Monitoring/Inspection</u>: Bureau of Building</p>			
<p><b>Mitigation Measure TRANS-1:</b> Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51<sup>st</sup> Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan.</p>	<p>Submit plan prior to the issuance of first building permit;</p> <p>Implement signal optimization measures according to timing outlined in approved plan</p>	<p>City of Oakland, CEDA, Transportation Services Division</p>	<ul style="list-style-type: none"> <li>▪ Verify that the Signal Optimization Plan has been prepared and that it meets the standards listed in the mitigation measure.</li> <li>▪ Verify that the project sponsor funds the cost of preparing and implementing the Signal Optimization Plan.</li> </ul>

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			<ul style="list-style-type: none"> <li>Ensure plan measures are being implemented.</li> </ul>
<p><b>Mitigation Measure TRANS-2:</b> Change the signal cycle length to 90 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the Market Street/MacArthur Boulevard intersection. The project sponsor shall fund the cost of preparing and implementing the plan.</p>	<p>Submit plan prior to the issuance of first building permit;</p> <p>Implement signal optimization measures according to timing outlined in approved plan</p>	<p>City of Oakland, CEDA, Transportation Services Division</p>	<ul style="list-style-type: none"> <li>Verify that the Signal Optimization Plan has been prepared and that it meets the standards listed in the mitigation measure.</li> <li>Verify that the project sponsor funds the cost of preparing and implementing the Signal Optimization Plan.</li> <li>Ensure plan measures are being implemented.</li> </ul>
<p><b>Mitigation Measure TRANS-3:</b> Implement the following measures:</p> <ul style="list-style-type: none"> <li>Prohibit left-turns from northbound Telegraph Avenue into westbound 52<sup>nd</sup> Street during the peak commute times (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Currently, a small volume of traffic uses this movement (about 10 peak hour vehicles), which can be diverted to 51<sup>st</sup> Street. Thus, the peak hour prohibition on left-turns would not result in excessive and circuitous diversions.</li> <li>Change signal cycle length to 120 seconds and optimizing signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection; coordinate signal timing and phasing with the adjacent Telegraph Avenue/51<sup>st</sup> Street intersection and other intersections in the same coordination group.</li> </ul> <p>To implement these measures, the project sponsor shall submit the following to City of Oakland Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>Signing plans to prohibit left-turns from northbound Telegraph Avenue into westbound 52<sup>nd</sup> Street.</li> <li>Signal timing plans for the signals in the coordination group.</li> </ul>	<p>Submit plans prior to the issuance of first building permit;</p> <p>Implement measures according to timing outlined in approved plan</p>	<p>City of Oakland, CEDA, Transportation Services Division</p>	<ul style="list-style-type: none"> <li>Verify that the signing plans to prohibit left-turns from northbound Telegraph Avenue into westbound 52<sup>nd</sup> Street have been adequately prepared.</li> <li>Verify that the signal timing plans for the signals in the coordination group have been adequately prepared.</li> <li>Ensure plan measures are being implemented.</li> </ul>

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The project sponsor shall fund the cost of preparing and implementing these plans.			
<p><b>Mitigation Measure TRANS-4:</b> Implement the following measures:</p> <ul style="list-style-type: none"> <li>Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51<sup>st</sup> Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan.</li> </ul>	<p>Submit plan prior to the issuance of first building permit;</p> <p>Implement signal optimization measures according to timing outlined in approved plan</p>	<p>City of Oakland, CEDA, Transportation Services Division</p>	<ul style="list-style-type: none"> <li>Verify that the Signal Optimization Plan has been prepared and that it meets the standards listed in the mitigation measure.</li> </ul>
<ul style="list-style-type: none"> <li>To help further minimize impacts at this intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goals. The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program.</li> <li>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation. To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level.</li> </ul>	<p>Submit TDM Plan prior to the issuance of first building permit;</p> <p>Implement measures according to timeframes outlined in approved plan</p>	<p>City of Oakland Transportation Services Division</p>	<ul style="list-style-type: none"> <li>Review Transportation Demand Management Program for adequacy and review regular monitoring reports regarding program effectiveness.</li> <li>Ensure plan and program measures are being implemented.</li> </ul>
<p><b>Mitigation Measure TRANS-5:</b> Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the West Street/40<sup>th</sup> Street intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the West Street/40<sup>th</sup> Street intersection. The</p>	<p>Submit plan prior to the issuance of first building permit;</p>	<p>City of Oakland, CEDA, Transportation Services Division</p>	<ul style="list-style-type: none"> <li>Verify that the Signal Optimization Plan has been prepared and that it meets the standards listed in the</li> </ul>

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project sponsor shall fund the cost of preparing and implementing the plan.	Implement signal optimization measures according to timing outlined in approved plan		mitigation measure. <ul style="list-style-type: none"> <li>Ensure plan and program measures are being implemented.</li> </ul>
<p><u>Mitigation Measure TRANS-6:</u> Implement the following measures:</p> <ul style="list-style-type: none"> <li>Provide protected/permitted left-turn phasing on eastbound and westbound 40<sup>th</sup> Street approaches.</li> <li>Change signal cycle length to 120 seconds in the AM peak and 105 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/40<sup>th</sup> Street intersection. The change in signal cycle length may also require coordination with other intersections in the same coordination group.</li> </ul> <p>To implement these measures, the project sponsor shall submit the following to City of Oakland Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify intersection to provide left-turn phasing on eastbound and westbound 40th Street approaches.</li> <li>Signal timing plans for the signals in the coordination group.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p>	<p>Prior to the issuance of first building permit;</p> <p>Modify intersection and signal timing in accordance with approved plan</p>	City of Oakland, CEDA, Transportation Services Division	<ul style="list-style-type: none"> <li>Verify that the Plans, Specifications, and Estimates (PS&amp;E) to modify intersection to provide left-turn phasing on eastbound and westbound 40th Street approaches have been adequately prepared.</li> <li>Verify that signal timing plans for the signals in the coordination group have been adequately prepared.</li> <li>Ensure plan measures are being implemented.</li> </ul>
<p><u>Mitigation Measure TRANS-7:</u> The impact shall be mitigated by the following:</p> <ul style="list-style-type: none"> <li>Stripe a left-turn lane on northbound Market Street at MacArthur Boulevard. The left-turn lane can be accommodated within the existing right-of-way, but may result in loss of a few on-street parking and relocation of an AC Transit bus stop on northbound Market Street.</li> <li>Change signal cycle length to 110 seconds during the AM peak hour and 90 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard intersection.</li> </ul> <p>To implement these measures, the project sponsor shall submit the following to City of</p>	<p>Submit plans prior to the issuance of first building permit;</p> <p>Implement measures according to timeframes outlined in</p>	City of Oakland, CEDA, Transportation Services Division	<ul style="list-style-type: none"> <li>Verify that the Plans, Specifications, and Estimates (PS&amp;E) to stripe a left-turn lane on northbound Market Street at MacArthur Boulevard have been adequately prepared.</li> <li>Verify that the signal timing plans for the</li> </ul>

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<p>Oakland Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to stripe a left-turn lane on northbound Market Street at MacArthur Boulevard.</li> <li>Signal timing plans for the Market Street/MacArthur Boulevard intersection.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p>	approved plan		<p>Market Street/MacArthur Boulevard intersection have been adequately prepared.</p> <ul style="list-style-type: none"> <li>Ensure plan measures are being implemented.</li> </ul>
<p><u>Mitigation Measure TRANS-8:</u> Implement the following measures:</p> <ul style="list-style-type: none"> <li>Provide protected/permitted left-turn phasing on northbound and southbound Telegraph Avenue approaches.</li> <li>Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/MacArthur Boulevard intersection. Signal phasing and timing shall also be coordinated with other intersections in the same coordination group.</li> </ul> <p>To implement this measure, the project sponsor shall submit the following to City of Oakland Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>Plans, Specifications, and Estimates (PS&amp;E) to modify intersection to provide left-turn phasing on northbound and southbound Telegraph Avenue approaches.</li> <li>Signal timing parameters for the signals in the coordination group.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing the plan.</p>	<p>Submit plans prior to the issuance of first building permit;</p> <p>Implement measures according to timeframes outlined in approved plan</p>	City of Oakland, CEDA, Transportation Services Division	<ul style="list-style-type: none"> <li>Verify that the Plans, Specifications, and Estimates (PS&amp;E) to modify intersection to provide left-turn phasing on northbound and southbound Telegraph Avenue approaches have been adequately prepared.</li> <li>Verify that the signal timing parameters for the signals in the coordination group have been adequately prepared.</li> <li>Ensure plan measures are being implemented.</li> </ul>
<p><u>Mitigation Measure TRANS-9:</u> Implement the following measures:</p> <ul style="list-style-type: none"> <li>To help further minimize impacts at this intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goal.</li> </ul>	See SCA-TRANS-4		

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<p>The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program.</p> <p>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation.</p>			
<p><b>SCA-TRANS-4: Transportation and Parking Demand Management (#71)</b>  <b><i>a. Transportation and Parking Demand Management (TDM) Plan Required</i></b>  <u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> <li>• Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project.</li> <li>• Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> <li>◦ Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR</li> <li>◦ Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR</li> </ul> </li> <li>• Enhance the City's transportation system, consistent with City policies and programs.</li> </ul> <p>ii. TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.</li> <li>• Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.</li> <li>• Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps; count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.</li> <li>• Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</li> <li>• Construction and</li> </ul>	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<ul style="list-style-type: none"> <li>▪ Review and approve the TDM Plan and that the TDM Plan complies with the requirements of the SCA.</li> </ul>

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<p>development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.</li> <li>• Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).</li> <li>• Guaranteed ride home program for employees, either through 511.org or through separate program.</li> <li>• Pre-tax commuter benefits (commuter checks) for employees.</li> <li>• 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.</li> <li>• On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.</li> <li>• Distribution of information concerning alternative transportation options.</li> <li>• 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.</li> <li>• Parking management strategies including attendant/valet parking and shared parking spaces.</li> <li>• Requiring tenants to provide opportunities and the ability to work off-site.</li> <li>• Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).</li> <li>• 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.</li> </ul> <p>The TDM Plan shall indicate the estimated VTR for each strategy, based on published</p>			



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<p>research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> N/A</p>			
<p><b>b. TDM Implementation – Physical Improvements</b></p> <p><u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p><u>When Required:</u> Prior to building permit final</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to building permit final	Bureau of Building	<ul style="list-style-type: none"> <li>Review and approve VTR strategies involving physical improvements as part of TDM Plan.</li> </ul>
<p><b>c. TDM Implementation – Operational Strategies</b></p> <p><u>Requirement:</u> For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p> <p><u>When Required:</u> Ongoing</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> Bureau of Planning</p>	Ongoing	Bureau of Building	<ul style="list-style-type: none"> <li>Review and approve annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects).</li> </ul>
<b>D. AIR QUALITY</b>			
<p><b>SCA-AIR-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions) (#19)</b></p> <p><u>Requirement:</u> The project applicant shall implement all of the following applicable air</p>	Ongoing throughout demolition,	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Make regular visits to the project site to ensure that all dust-</li> </ul>

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<p>pollution control measures during construction of the project:</p> <ol style="list-style-type: none"> <li>Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</li> <li>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).</li> <li>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.</li> <li>Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.</li> <li>Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</li> <li>Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>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.</li> <li>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 policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").</li> <li>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.</li> <li>Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.</li> </ol>	grading, and/or construction		<p>control mitigation measures are being implemented.</p> <ul style="list-style-type: none"> <li>Verify that a designated dust control coordinator is on-call during construction periods.</li> </ul>

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<p>k. 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> <p>l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>p. 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.</p> <p>q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.</p> <p>s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>t. 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>u. 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. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>x. Off-road heavy diesel engines shall meet the California Air Resources Board's most</p>			

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<p>recent certification standard.</p> <p>y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p> <p><u>When Required:</u> During construction  <u>Initial Approval:</u> N/A  <u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-AIR-2: Exposure to Air Pollution (Toxic Air Contaminants) (#20)</b></p> <p><b>a. Health Risk Reduction Measures</b></p> <p><u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 [insert MERV-16 for projects located in the West Oakland Specific Plan area] or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</li> </ul>	Prior to approval of construction-related permit	Bureau of Planning	<ul style="list-style-type: none"> <li>▪ Verification by the Bureau of Building that appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants.</li> </ul>

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<ul style="list-style-type: none"> <li>Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</li> <li>Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids</i> X <i>trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</li> <li>Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> <li>Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.</li> <li>Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> <li>Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</li> <li>Prohibiting trucks from idling for more than two minutes.</li> <li>Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.</li> </ul> </li> </ul> <p><u>When Required</u>: Prior to approval of construction-related permit  <u>Initial Approval</u>: Bureau of Planning  <u>Monitoring/Inspection</u>: Bureau of Building</p>			
<p><b>b. Maintenance of Health Risk Reduction Measures Requirement</b>  The project applicant shall maintain, repair, and/or replace installed health risk</p>	Ongoing	N/A	<ul style="list-style-type: none"> <li>Verification by the Bureau of Building that the project applicant</li> </ul>

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<p>reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p><u>When Required:</u> Ongoing <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building</p>			<p>maintain, repair, and/or replace installed health risk reduction measures.</p>
<p><b>SCA-AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants)(#21)</b>  <u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods: a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. - or - b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: i. Installation of non-diesel fueled generators, if feasible, or; ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Bureau of Planning  <u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to approval of construction-related permit	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Review plans submitted to the City to ensure that applicable health risk reduction measures are detailed in all plans submitted for the construction-related permit or on other documentation submitted to the City</li> </ul>
<p><b>SCA-AIR-4: Asbestos in Structures (#23)</b>  <u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California</p>	Prior to approval of construction-related permit	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Evidence of compliance shall be submitted to the City upon request</li> </ul>

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<p>Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Applicable regulatory agency with jurisdiction</p> <p><u>Monitoring/Inspection:</u> Applicable regulatory agency with jurisdiction</p>		Bay Area Air Quality Management District	
<p><b>SCA-AIR-5:Truck-Related Risk Reduction Measures (Toxic Air Contaminants) (#22)</b></p> <p><b><i>a. Truck Loading Docks</i></b>  <u>Requirement:</u> The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building</p> <p><b><i>b. Truck Fleet Emission Standards</i></b>  <u>Requirement:</u> The project applicant shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, lower-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.  <u>When Required:</u> Prior to building permit final; ongoing  <u>Initial Approval:</u> Bureau of Planning  <u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to approval of construction-related permit	<p>City of Oakland, CEDA, Building Services Division</p> <p>California Air Resources Board (CARB)</p>	<ul style="list-style-type: none"> <li>Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines</li> </ul>
<b>E. NOISE AND VIBRATION</b>			
<p><b>SCA-NOI-1: Construction Days/Hours (#58)</b>  <u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday.</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Make regular visits to the construction site to ensure that construction activities are restricted the hours designated in COA NOISE-1.</li> </ul>

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<p>In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays. 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. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p><u>When Required:</u> During construction  <u>Initial Approval:</u> N/A  <u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-NOI-2: Construction Noise (#59)</b>  The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</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</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that a site-specific noise reduction program has been prepared and implemented.</li> <li>Make regular visits to the construction site to ensure that noise from construction activities is appropriately controlled.</li> </ul>



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<p>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. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p> <p><u>When Required</u>: During construction  <u>Initial Approval</u>: N/A  <u>Monitoring/Inspection</u>: Bureau of Building</p>			
<p><b>SCA-NOI-3: Extreme Construction Noise (#60)</b></p> <p><b><i>a. Construction Noise Management Plan Required</i></b>  Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>iii. 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 commencing construction activities involving pile driving or other extreme noise generators; Implement measures according to timeframes outlined in the plan</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<ul style="list-style-type: none"> <li>Verify that a plan for reducing extreme noise generating construction impacts has been prepared.</li> <li>Verify that the plan will achieve the maximum feasible noise attenuation.</li> <li>Verify that a special inspection deposit has been submitted.</li> </ul>

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<p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p> <p><b><i>b. Public Notification Required</i></b></p> <p><u>Requirement:</u> The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p> <p><u>When Required:</u> During construction</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-NOI-4: Project-Specific Construction Noise Reduction Measures (#61)</b></p> <p><u>Requirement:</u> The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	<p>Submit updated plan, if warranted prior to the issuance of a building permit; Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<ul style="list-style-type: none"> <li>Verify the implementation of the list of measures to respond to and track complaints pertaining to construction noise.</li> </ul>
<p><b>SCA-NOI-5: Construction Noise Complaints (#62)</b></p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to</p>	<p>Submit list prior to the issuance of a building</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<ul style="list-style-type: none"> <li>Verify the implementation of the list of measures to</li> </ul>

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<p>construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <p>a. Designation of an on-site construction complaint and enforcement manager for the project;</p> <p>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;</p> <p>c. Protocols for receiving, responding to, and tracking received complaints; and</p> <p>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.</p> <p><u>When Required</u>: Prior to approval of construction-related permit  <u>Initial Approval</u>: Bureau of Building  <u>Monitoring/Inspection</u>: Bureau of Building</p>	<p>permit; Ongoing throughout demolition, grading, and/or construction</p>		<p>respond to and track complaints pertaining to construction noise.</p>
<p><b>SCA-NOI-6: Exposure to Community Noise (#63)</b>  <u>Requirement</u>: The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <p>a. 45 dBA: Residential activities, civic activities, hotels  b. 50 dBA: Administrative offices; group assembly activities  c. 55 dBA: Commercial activities  d. 65 dBA: Industrial activities</p> <p><u>When Required</u>: Prior to approval of construction-related permit  <u>Initial Approval</u>: Bureau of Planning  <u>Monitoring/Inspection</u>: Bureau of Building</p>	<p>Submit noise recommendations prior to the issuance of a building permit for each phase of construction containing residential units</p> <p>Implement recommendations according to timeframes outlined in plan</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>▪ Verify that appropriate sound-rated assemblies to reduce noise levels have been incorporated into the project building design.</p>
<p><b>SCA-NOI-7: Operational Noise (#64)</b>  <u>Requirement</u>: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code.</p>	<p>Prior to approval of construction-related permit</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>▪ Verify that appropriate sound-rated assemblies to reduce noise levels have been incorporated into the</p>

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If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.			project building design.
<p><b>SCA-NOI-8: Exposure to Vibration (#65):</b> The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <p>a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.</p> <p>b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to approval of construction-related permit	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that appropriate vibration reduction measures have been incorporated into the project building design.</li> </ul>
<p><b>SCA-NOI-9: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities (#66)</b></p> <p><u>Requirement:</u> The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located adjacent to the affected structure. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to the issuance of a demolition, grading, or building permit for building A	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that a structural engineer or other appropriate professional has determined the means and methods of construction will not exceed threshold levels of vibration that may damage buildings</li> </ul>

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<u>When Required:</u> Prior to construction <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building			adjacent to the project site.
<p><b>Project Specific Condition of Approval-NOI-10: The following Project Specific Conditions of Approval shall apply to each Final Development Plan for the MacArthur Village Project:</b></p> <p>l) The project applicant shall implement all of the plans and recommendations described in the reports prepared for the project attached as Attachment H (CEQA Memo) to the City Council's Agenda Report dated April 5, 2011, copies of which are on file with the City Planning Department. The recommendations in these reports include without limitation:</p> <p><i>Vibration</i></p> <p>(a) The contractors shall implement the Construction Equipment Schedule elements described in the March 10, 2011, letter report prepared by Wilson Ihrig &amp; Associates, attached as Exhibit H to the March 14, 2011 Memorandum from Urban Planning Partners to Eric Angstadt and Catherine Payne and included in the Agenda Report for the April 5, 2011 City Council hearing on the Stage 1 FDP (PUDF10097) and VTTM (8047).</p> <p>(b) Vibration monitoring shall be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the vibrating roller compactors, vibrating plate compactors, jumping jack, or other equipment that generates vibration are in operation adjacent to the Surgery Center.</p> <p><i>Noise</i></p> <p>(c) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue.</p> <p>(d) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line</p>	Prior to and during construction, as noted within each section of the condition	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that each requirement identified in the condition of approval is met</li> </ul>

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<p>abutting the Surgery Center that is adjacent to the construction site on Telegraph Avenue.</p> <p>(e) The temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy equipment, such as excavators, dozers, scrapers, loaders, milers, pavers, and dump trucks are operating within 150 feet of the edge of the construction site or adjacent sensitive land uses.</p> <p>(f) Whenever feasible, the project contractor shall encourage implementation of the following strategies throughout all phases of construction: use of smaller or quieter equipment; use of electric equipment in lieu of gasoline or diesel powered equipment; turn off all idling equipment when anticipated to not be in use for more than 5 minutes; minimize drop height when loading excavated materials onto trucks; minimize drop height when unloading or moving materials on-site; and sequence noisy activities to coincide with noisiest ambient hours.</p> <p>(g) Noise monitoring is required for all construction activities that would be considered extreme noise generators, activities that would result in noise levels in excess of 90 dBA Lmax as measured at the receiving property. Construction activities could exceed these levels at the residential land uses that border the construction site on MacArthur Boulevard and Telegraph Avenue. Pursuant to SCA NOI-5(e), noise monitoring to measure the effectiveness of noise attenuation measures shall be conducted as follows:</p> <ul style="list-style-type: none"> <li>▪ Noise measurements shall be conducted on a weekly basis during the phases associated with the anticipated activities for the months of May, June, and September and shall be conducted by a qualified acoustical consultant.</li> <li>▪ These measurements shall be taken during mid-morning and mid-afternoon hours when background noise levels are anticipated to be lowest so as to try to capture, noise from only construction noise sources.</li> <li>▪ These measurements shall be taken at distances greater than 10 feet from the temporary sound barriers on the receptor property in order to determine the effectiveness of the sound barrier.</li> </ul> <p>If exceedances are identified, then the on-site construction manager shall be notified and the equipment use shall be adjusted so that noise levels are reduced.</p>			

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<p>2) The temporary sound barrier to be erected by the project applicant along the project property line abutting the adjacent surgery center property shall be a minimum of 8 feet high.</p> <p>3) Prior to issuance of a demolition, grading or building permit. The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds.</p> <p>4) The noise and vibration reduction plan for each phase of the project prepared pursuant to SCA NOI-5 shall also:</p> <p>(i) include documentation of the following:</p> <ul style="list-style-type: none"> <li>Existing baseline conditions at the anticipated construction monitoring locations near the adjacent surgery center, supported by measurements of ambient noise and vibration levels near the adjacent surgery center over a 6-day continuous period (Monday-Saturday);</li> <li>Characterization of the existing vibration environment within representative vibration sensitive spaces at the adjacent surgery center to confirm whether the FTA Category I criterion is applicable for these interior spaces, or whether a higher threshold is more appropriate. This characterization will be supported by measurements of the existing ambient vibration levels over a 48-hour continuous period measured during the work week (M-F). If the existing environment is comparable or less than the FTA Category I threshold, then the construction work will be limited by the FTA Category I criterion. If it is determined that the existing ambient environment exceeds the FTA Category I criterion, then site specific criteria will be developed based on the characteristics of the measured environment, including the maximum vibration levels and: the measured frequency of occurrence of vibration levels;</li> <li>Vibration testing to determine how groundborne vibration will propagate from the construction area (based upon simulated construction activities testing) to the surgery center building and anticipated construction monitoring locations. This information will be used to determine the vibration level offset between outdoor construction monitoring locations and the vibration experienced at the interior of the building, to refine the calculations previously done to determine the site-specific vibration from construction, to determine the types of construction</li> </ul>			

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<p>activity for which monitoring is required and to determine applicable distances for monitoring purposes pursuant to item (v) below; and</p> <ul style="list-style-type: none"> <li>All such noise and vibration testing and determinations of baselines and monitoring locations near the adjacent surgery center shall be coordinated with the surgery center or its designee.</li> </ul> <p>(ii) include appropriate measures to ensure that the project construction and operations comply with the City's noise and vibration performance standards in Section 17.120.050 of the Oakland Planning Code, the City's vibration performance standards in Section 17.120.060 of the Oakland Planning Code, and the vibration criteria confirmed above, as measured at the monitoring locations specified in (v);</p> <p>(iii) provide that all noise and vibration compliance monitoring be performed by one or more qualified consultants;</p> <p>(iv) prohibit the use of pile driving as part of the construction of the BART Parking Garage and construction on Parcel D;</p> <p>(v) require noise and vibration measurements, for compliance purposes, to be performed for a minimum of 48 hours during a continuous period each week during the conduct of construction activities for which monitoring is required as identified pursuant to the pre-vibration testing protocol under item (i) above within applicable distances from the facade of the surgery center building nearest to the construction activity as such distances are identified as part of such testing protocol. Such measurements shall be made at the nearest facade or at an equivalent distance from the construction activity to the nearest facade as determined appropriate by the qualified acoustical consultant in order to accurately determine noise and vibration levels at the nearest facade of the surgery center from project-related construction activities; and</p> <p>(vi) require a copy of the City approved noise and vibration plan to be provided to the designated representative of the adjacent surgery center.</p> <p>5) The special inspection deposit required pursuant to SCA Noise-5 shall also include an amount sufficient to ensure compliance with project conditions of approval governing air quality.</p>			



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<p>6) Prior to the start of construction activities, the project applicant shall designate an on-site complaint and enforcement manager, with supervisory authority with respect to construction activity, who shall immediately respond to any complaints or concerns raised by the designated representative of the adjacent surgery center related to air quality, noise, vibration, or any other aspect of project construction activities, and provide to the surgery center representative the contact information for such complaint and enforcement manager.</p> <p>7) Project applicant shall promptly provide to the designated representative of the adjacent surgery center copies of all noise, vibration and air quality monitoring reports required by all project conditions of approval, including, without limitation, all monitoring reports required pursuant to project specific condition 4 above, and the recommendations in the following reports: (i) LSA Associates, Inc. dated March 11, 2011 regarding air quality, (ii) LSA Associates, Inc. dated March 11, 2011 regarding noise, and (iii) Wilson Ihrig &amp; Associates dated March 10, 2011 regarding vibration. If any such report indicates that the project is not in compliance with any such mitigation measures or conditions of approval or if the project is otherwise not in compliance therewith, the project applicant shall immediately cease the activity causing such non-compliance and take such other measures that may be necessary to prevent the recurrence of such non-compliance.</p> <p>8) The project applicant shall not restrict, block, relocate, modify, or otherwise hinder vehicular and pedestrian access (ingress and egress) to the adjacent surgery center property from its existing driveways and sidewalks access points on Apgar Street and 39th Street both during and after construction of the project without 48 hours advance notice to the surgery center. In no event shall such access be disrupted for more than two days in any M-F period, except for improvements to Apgar Street or 39th Street. For any period during which the 39th Street parking areas in the Surgery Center property are rendered inaccessible, project applicant shall provide an equal number of substitute parking spaces in the BART parking lot area, and/or the new BART parking garage, as close as feasible to the Surgery Center and at no cost to the Surgery Center. The applicant shall coordinate temporary disruptions to the surgery center's vehicular and pedestrian access points and shall maintain one point of access via Apgar Street or Telegraph Street at all times.</p> <p>9) The applicant's contractors will limit idling, loading or staging on Apgar Street, 39th Street, and Telegraph Avenue adjacent to the property and provide the surgery center</p>			

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at least 48 hours' notice of such planned activity.			
<b>F. HYDROLOGY AND WATER QUALITY</b>			
<b>SCA-HYD-1: State Construction General Permit (#46)</b> <b>Requirement:</b> The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City. <b>When Required:</b> Prior to approval of construction-related permit <b>Initial Approval:</b> State Water Resources Control Board; evidence of compliance submitted to Bureau of Building <b>Monitoring/Inspection:</b> State Water Resources Control Board	Submit SWPP to SWRCB prior to applying for first building permit;  Submit copy of approved SWPP prior to issuance of first building permit;  Comply with measures in SWPP: ongoing throughout demolition, grading, and/or construction activities	City of Oakland, CEDA, Building Services Division; Planning and Zoning Division	<ul style="list-style-type: none"> <li>Verify the preparation and approval of the SWPPP.</li> <li>Conduct regular site visits to ensure compliance with the SWPPP throughout the completion of the project.</li> </ul>
<b>SCA-HYD-2: Site Design Measures to Reduce Stormwater Runoff (#48)</b> <b>Requirement:</b> Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following: a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas; b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas. <b>When Required:</b> Ongoing	Prior to construction activities	City of Oakland, CEDA, Building Services Division; Planning and Zoning Division	<ul style="list-style-type: none"> <li>N/A</li> </ul>

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	When Required	Initial Approval	Monitoring/Inspection
Initial Approval: N/A Monitoring/Inspection: N/A			
<b>SCA-HYD-3: Source Control Measures to Limit Stormwater Pollution (#49)</b> <u>Requirement:</u> Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following: a. Stencil storm drain inlets "No Dumping - Drains to Bay;" b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible. <u>When Required:</u> Ongoing <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> N/A	Prior to construction activities	City of Oakland, CEDA, Building Services Division; Planning and Zoning Division	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>SCA-HYD-4: NPDES C.3 Stormwater Requirements for Regulated Projects (#50)</b> <b>a. Post-Construction Stormwater Management Plan Required Requirement</b> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:	Submit plan prior to issuance of building permit (or other construction-related permit)	City of Oakland, CEDA, Building Services Division; Planning and Zoning Division	<ul style="list-style-type: none"> <li>Verify that the applicant complies with the requirements of Provision C.3 of the NPDES permit issued to the Alameda Countywide Clean Water Program.</li> <li>Verify that a completed Stormwater Supplemental Form</li> </ul>

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<p>i. Location and size of new and replaced impervious surface;  ii. Directional surface flow of stormwater runoff;  iii. Location of proposed on-site storm drain lines;  iv. Site design measures to reduce the amount of impervious surface area;  v. Source control measures to limit stormwater pollution;  vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and  vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</p> <p><u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Bureau of Planning; Bureau of Building  <u>Monitoring/Inspection:</u> Bureau of Building</p> <p><b><i>b. Maintenance Agreement Required Requirement</i></b>  The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <p>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p> <p><u>When Required:</u> Prior to building permit final  <u>Initial Approval:</u> Bureau of Building  <u>Monitoring/Inspection:</u> Bureau of Building</p>			<p>and a stormwater pollution management plan have been adequately prepared.</p> <ul style="list-style-type: none"> <li>▪ Prior to final permit inspection, verify that the stormwater pollution management plan is implemented.</li> </ul>
<p><b>SCA-HYD-5: Erosion and Sedimentation Control Plan for Construction (#45)</b></p> <p><b><i>a. Erosion and Sedimentation Control Plan Required Requirement</i></b>  The project applicant shall submit an Erosion and Sedimentation Control Plan to the</p>	<p>Prior to any grading activities</p>	<p>City of Oakland, CEDA, Building Services Division; Planning and</p>	<ul style="list-style-type: none"> <li>▪ Verify that an erosion and sedimentation control plan has been adequately prepared.</li> </ul>

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<p>City for review and approval. 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 and/or construction 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 City. 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><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Building</p> <p><u>Monitoring/Inspection:</u> N/A</p> <p><b>b. Erosion and Sedimentation Control During Construction Requirement</b></p> <p>The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p> <p><u>When Required:</u> During construction</p> <p><u>Initial Approval:</u> N/A</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>		Zoning Division	<ul style="list-style-type: none"> <li>Verify that the applicant has obtained permissions and easements necessary for any off-site work required by the plan.</li> </ul>
<b>G. GEOLOGY, SOILS AND SEISMICITY</b>			
<b>SCA-HYD-5: Erosion and Sedimentation Control Plan for Construction (#45)</b> (see above)	See SCA-HYD-5		
<p><b>SCA-GEO-2: Soils Report (#34)</b></p> <p><u>Requirement:</u> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p>	Required as part of the submittal of a Tentative Tract or Tentative Parcel Map(s)	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that a preliminary soils report has been prepared for each construction site.</li> </ul>

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Initial Approval: Bureau of Building Monitoring/Inspection: Bureau of Building			
<b>SCA-GEO-3. Seismic Hazards Zone (Landslide/Liquefaction)</b> <u>Requirement:</u> The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building	Required as part of the submittal of a Tentative Tract or Tentative Parcel Map(s)	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that a site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site has been conducted and that the recommendations are included in the final project design.</li> </ul>
<b>SCA-GEO-1: Construction-Related Permit(s) (#33)</b> <u>Requirement:</u> The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building	Ongoing through demolition, grading and construction activities	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verification by the Bureau of Building that all required construction-related permits/approvals are obtained from the City and compliance with applicable construction-related codes.</li> </ul>
<b>H. PUBLIC HEALTH AND HAZARDS</b>			
<b>SCA-HAZ-1: Asbestos in Structures (#23)</b> <u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Applicable regulatory agency with jurisdiction <u>Monitoring/Inspection:</u> Applicable regulatory agency with jurisdiction	Prior to approval of construction-related permit	City of Oakland, CEDA, Building Services Division  Bay Area Air Quality Management District	<ul style="list-style-type: none"> <li>Evidence of compliance shall be submitted to the City upon request</li> </ul>

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<p><b>SCA-HAZ-2: Hazardous Materials Related to Construction (#39)</b>  <u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;</li> <li>b. Avoid overtopping construction equipment fuel gas tanks;</li> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>d. Properly dispose of discarded containers of fuels and other chemicals;</li> <li>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</li> <li>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</li> </ul> <p><u>When Required:</u> During construction  <u>Initial Approval:</u> N/A  <u>Monitoring/Inspection:</u> Bureau of Building</p>	Ongoing through demolition, grading and construction activities	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division	<ul style="list-style-type: none"> <li>▪ Verify that construction BMPs are implemented.</li> </ul>

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<p><b>SCA-AIR-4: Asbestos in Structures (#23)</b>  <u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Applicable regulatory agency with jurisdiction  <u>Monitoring/Inspection:</u> Applicable regulatory agency with jurisdiction</p>	<p>Make determination prior to issuance of a demolition permit;  Follow applicable procedures during removal activities</p>	<p>City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division</p>	<ul style="list-style-type: none"> <li>Verify that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations</li> </ul>
<p><b>SCA-HAZ-3: Site Contamination (#40)</b>  <b>a. Environmental Site Assessment Required</b>  <u>Requirement:</u> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Oakland Fire Department  <u>Monitoring/Inspection:</u> Oakland Fire Department</p> <p><b>b. Health and Safety Plan Required</b>  <u>Requirement:</u> The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Bureau of Building  <u>Monitoring/Inspection:</u> Bureau of Building</p> <p><b>c. Best Management Practices (BMPs) Required for Contaminated Sites</b>  <u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and</p>	<p>Prior to issuance of a demolition, grading, or building permit;</p>	<p>City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division</p>	<ul style="list-style-type: none"> <li>Verify that written evidence of approval for any remedial actions required has been obtained and that Remediation Action Plan has been adequately prepared.</li> <li>Verify that a Construction-Phase Risk Management Plan has adequately been prepared.</li> </ul>



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<p>groundwater hazards. These shall include the following:</p> <p>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</p> <p>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</p> <p><u>When Required:</u> During construction  <u>Initial Approval:</u> N/A  <u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-PSR-2: Fire Safety Phasing Plan (#42)</b>  <u>Requirement:</u> The project applicant shall submit a Fire Safety Phasing Plan for City review and approval, and shall implement the approved Plan. The Fire Safety Phasing Plan shall include all of the fire safety features incorporated into each phase of the project and the schedule for implementation of the features.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Oakland Fire Department  <u>Monitoring/Inspection:</u> Bureau of Building</p>	Submit plan prior to issuance of a demolition, grading, or building permit and concurrent with any p-job submittal permit	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division and Fire Services Division	<ul style="list-style-type: none"> <li>Verify that a fire safety phasing plan has been prepared.</li> </ul>
<p><b>SCA-HAZ-4: Hazardous Materials Business Plan (#41)</b>  <u>Requirement:</u> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <p>a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.</p>	Prior to issuance of a business license for businesses handling hazardous materials	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division and Fire Services Division	<ul style="list-style-type: none"> <li>Verify that a hazardous materials business plan has been prepared.</li> </ul>

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<p>b. The location of such hazardous materials.</p> <p>c. An emergency response plan including employee training information.</p> <p>d. A plan that describes the manner in which these materials are handled, transported, and disposed.</p> <p><u>When Required</u>: Prior to building permit final</p> <p><u>Initial Approval</u>: Oakland Fire Department</p> <p><u>Monitoring/Inspection</u>: Oakland Fire Department</p>			
<b>I. PUBLIC SERVICES</b>			
<p><b>Compliance with Other Requirements (#3)</b> The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.</p>	Prior to issuance of a demolition, grading, P-job, or other construction related permit.	City of Oakland, CEDA, Building Services Division, and Planning and Zoning Division and Fire Services Division	<ul style="list-style-type: none"> <li>Ensure that the project applicant complies with all applicable laws and regulations</li> </ul>
<b>J. UTILITIES AND INFRASTRUCTURE</b>			
<p><b>SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling (#74)</b></p> <p><u>Requirement</u>: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.greenhalosystems.com">www.greenhalosystems.com</a> or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p> <p><u>When Required</u>: Prior to approval of construction-related permit</p> <p><u>Initial Approval</u>: Public Works Department, Environmental Services Division</p> <p><u>Monitoring/Inspection</u>: Public Works Department, Environmental Services Division</p>	<p>Submit plan prior to issuance of demolition, grading, or building permit;</p> <p>Implement plan according to timeframes outlined in plan</p>	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that a Construction &amp; Demolition Waste Reduction and Recycling Plan and an Operational Diversion Plan have been submitted.</li> </ul>

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<b>SCA-UTIL-2: Underground Utilities (#75)</b> <u>Requirement:</u> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities. <u>When Required:</u> During construction <u>Initial Approval:</u> N/A <u>Monitoring/Inspection:</u> Bureau of Building	During Construction	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that all utilities have been installed in accordance with standard specifications of the serving utilities</li> </ul>
<b>SCA-UTIL-3: Recycling Collection and Storage Space (#76)</b> <u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building	Ongoing	City of Oakland, CEDA, Building Services Division	<ul style="list-style-type: none"> <li>Verify that the proposed program is implemented and maintained for the duration of the proposed activity or facility.</li> </ul>
<b>SCA-UTIL-4: Recycling Collection and Storage Space (#76)</b> <u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet. <u>When Required:</u> Prior to approval of construction-related permit <u>Initial Approval:</u> Bureau of Planning <u>Monitoring/Inspection:</u> Bureau of Building	Prior to approval of construction related permits	Bureau of Planning	<ul style="list-style-type: none"> <li>Verify that recycling collection and storage space has been incorporated into project design</li> </ul>

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<p><b>SCA-UTIL-5: Sanitary Sewer System (#79)</b>  <u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system. <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Public Works Department, Department of Engineering and Construction  <u>Monitoring/Inspection:</u> N/A</p>	Prior to completing the final design for the project's sewer system	Public Works Department, Department of Engineering and Construction	<ul style="list-style-type: none"> <li>Confirm that any necessary sanitary sewer infrastructure improvements required by the project are implemented.</li> <li>Verify that the project applicant pays additional fees for any City improvements to the sanitary sewer system, as well as any fees to the affected service providers.</li> </ul>
<p><b>SCA-UTIL-6: Storm Drain System (#80)</b>  <u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Bureau of Building <u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to completing the final design for the project's storm drain system	Public Works Department, Department of Engineering and Construction	<ul style="list-style-type: none"> <li>Confirm that any necessary stormwater infrastructure improvements required by the project are implemented.</li> <li>Verify that the project applicant pays additional fees for any City improvements to the Prior to completing the final design for the project's storm drain system as well as any fees to the affected service providers.</li> <li>Ensure that BMPs to reduce stormwater runoff are implemented.</li> </ul>

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<p><b>SCA-UTIL-7: Recycled Water (#81)</b>  <u>Requirement:</u> Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.  <u>When Required:</u> Prior to approval of construction-related permit  <u>Initial Approval:</u> Bureau of Planning; Bureau of Building  <u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to approval of construction-related permit	Bureau of Planning; Bureau of Building	
<b>K. CULTURAL AND PALEONTOLOGICAL RESOURCES</b>			
<p><b>SCA-CUL-1: Archaeological and Paleontological Resources – Discovery During Construction (#29)</b>  <u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified</p>	Ongoing throughout demolition, grading, and/or construction	Bureau of Building	<ul style="list-style-type: none"> <li>Ensure that all work within 50 feet of the site where any prehistoric or historic subsurface cultural resources are discovered is halted.</li> </ul>

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<p>archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p><u>When Required:</u> During construction  <u>Initial Approval:</u> N/A  <u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-CUL-2: Human Remains - Discovery During Construction (#31)</b>  <u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p> <p><u>When Required:</u> During construction</p>	Ongoing throughout demolition, grading, and/or construction	Bureau of Building	<ul style="list-style-type: none"> <li>Ensure that all work is halted if any human skeletal remains are uncovered at the project site and that the Alameda County Coroner is contacted.</li> </ul>

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Initial Approval: N/A Monitoring/Inspection: Bureau of Building			
<b>L. AESTHETIC RESOURCES</b>			
<b>SCA-AES-1: Public Improvements (#11)</b> <u>Requirements:</u> The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.	Prior to construction	Public Works Department, Department of Engineering and Construction	<ul style="list-style-type: none"> <li>Verify all improvements are installed to satisfaction of the city</li> </ul>
<b>SCA-AES-2: Graffiti Control (#16)</b> <u>Requirement:</u> a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: <ol style="list-style-type: none"> <li>Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.</li> <li>Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.</li> <li>Use of paint with anti-graffiti coating.</li> <li>Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).</li> <li>Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.</li> </ol> b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following: <ol style="list-style-type: none"> <li>Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.</li> <li>Covering with new paint to match the color of the surrounding surface.</li> <li>Replacing with new surfacing (with City permits if required).</li> </ol>	Ongoing	Bureau of Building	<ul style="list-style-type: none"> <li>Verify applicant incorporates best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti.</li> </ul>

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<p><u>When Required:</u> Ongoing</p> <p><u>Initial Approval:</u> N/A</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>			
<p><b>SCA-AES-3: Landscape Plan (#17)</b></p> <p><i>a. Landscape Plan Required Requirement:</i></p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p> <p><u>When Required:</u> Prior to approval of construction-related permit</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> N/A</p> <p><i>b. Landscape Installation Requirement:</i></p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p><u>When Required:</u> Prior to building permit final</p> <p><u>Initial Approval:</u> Bureau of Planning</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p> <p><i>c. Landscape Maintenance Requirement:</i></p> <p>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p> <p><u>When Required:</u> Ongoing</p> <p><u>Initial Approval:</u> N/A</p> <p><u>Monitoring/Inspection:</u> Bureau of Building</p>	Prior to construction-related permits	Bureau of Planning	<ul style="list-style-type: none"> <li>Review final Landscape Plan</li> </ul>
<p><b>SCA-AES-4: Lighting (#18)</b></p> <p><u>Requirement:</u> Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p> <p><u>When Required:</u> Prior to building permit final</p>	Prior to building permit final	Bureau of Building	<ul style="list-style-type: none"> <li>Ensure that proposed lighting fixtures are adequately shielded to prevent unnecessary glare onto adjacent</li> </ul>



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Initial Approval: N/A Monitoring/Inspection: Bureau of Building			properties.

