

**PART 1: STANDARD CONDITIONS OF APPROVAL –
GENERAL ADMINISTRATIVE CONDITIONS**

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials dated June 21, 2017 and as amended through October 18, 2017 and included in the Planning Commission staff report, and as may be amended in the final City Council decision, as also amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

This action by the City Council (“this Approval”) includes the approvals set forth below. This Approval includes:

- a. General Plan Land Use Diagram amendment for the area covered by the Oak Knoll PUD permit (October 18, 2017)
- b. Amended zoning text (June 2017) and zoning diagram (October 18, 2017) for the area covered by the Oak Knoll PUD permit
- c. Oak Knoll PUD permit, including Oak Knoll Preliminary Development Plan (September 2017) and Oak Knoll Design Guidelines (January 2017), Final Development Plans for the Master Developer Improvements (May 30, 2017), and Final Development Plans for Club Knoll (April 3, 2017).
- d. Transportation Demand Management (TDM) Plan, as included in the April 27, 2017 Final Supplemental EIR
- e. Greenhouse Gas Reduction Plan (GGRP), as included in the April 27, 2017 Final Supplemental EIR
- f. Creek Protection Permit and Creek Restoration Plan (February 2016)
- g. Vesting Tentative Tract Map No 8320 (September 2017)
- h. Conditional Use Permit for Shared Access Facilities (October 18, 2017)

2. Effective Date, Expiration, Extensions and Extinguishment

Pursuant to the City’s Subdivision Code, an approved tentative tract map expires two years after its approval, but may be extended for an additional year, for a maximum for a three-

year period. The California Subdivision Map Act, however, specifies that an approved tentative map expires two years after its approval and that upon application of the subdivider prior to the expiration of the approved tentative map, the life of the tentative map may be extended for an additional six years. Case law indicates that these provisions in the California Subdivision Map Act preempt the City's Subdivision Code. The applicant has requested that a Vesting Tentative Tract Map (VTTM) for the project be extended the additional six-years pursuant to the California Subdivision Map Act, and has requested permission to file phased final maps. Accordingly, the VTTM shall expire at least eight years after the date of this approval. Nothing herein shall be in derogation of any additional extensions to the VTTM arising by the operation of law under the California Subdivision Map Act or other provision of state law. All Approvals, including but not limited to the Preliminary Development Plan (PDP) and Final Development Plans (FDPs) for the Planned Unit Development Permit, the Creek Protection Permit and Creek Restoration Plan and the Conditional Use Permit for Shared Access Facilities, shall expire at the same time as the VTTM.

Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of expiration dates, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or a development moratorium affecting the Project is imposed, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation or development moratorium affecting the Project.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.

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

the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval. Major Changes include but are not limited to changes to any of the following: density or intensity of uses in the project, changes to relocation and rehabilitation of Club Knoll, increases to building heights along roadways 26' wide or less, reduction in the amount of stormwater treatment capacity, diminution of the acreage proposed for public access, or changes that will result in any of the circumstances requiring further environmental review pursuant to CEQA Guidelines section 15162 or Public Resources Code section 21166. Refinements to engineering plans resulting in minor adjustments in lot sizes, and lot shapes are not considered to be major changes.

5. Compliance with Conditions of Approval

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

6. Compliance with the Terms of this Approval

Ongoing

For the duration of the project, the Director of Planning and Building or his/her designee shall have the authority to determine whether the Project Applicant and the project comply with the terms and conditions of this approval, including, without limitation, these Conditions of Approval, and shall have the authority to suspend further Project approvals, including without limitation, final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. =

The City shall take reasonable steps to promptly notify, in writing, the Project Applicant of any request (including a request by City staff or by the public) that the Director Planning and Building make a determination of noncompliance, and shall provide the Project Applicant a copy of all public documents related to such requests and a reasonable amount of time to respond and to cure any such alleged noncompliance. The City further shall take reasonable steps to promptly notify, in writing, the Project Applicant of any noncompliance determination by the Director of Building and Planning and, as applicable, shall provide the Project Applicant a copy of all documents used or relied upon in making such determination. On or before June 30 of each year, the Project Applicant shall submit to the Director of Planning and Building for review and approval the Compliance Matrix described in Condition 14 demonstrating that the legal entities implementation of its portion(s) or phase(s) of the Project comply with the terms and conditions of the Project Approvals. Such matrix may be used by the Director of Planning and Building to evaluate the Project Applicant's and the Project's compliance with the terms and conditions of the Project Approvals. The Project Applicant's obligation to submit such matrix shall terminate only upon the City's written determination that the Project, or the part or phase being undertaken by that legal entity, is completed.

Any failure by the City or Project Applicant to perform any action specified herein, or failure of any party timely to execute any agreement specified herein shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any obligation of Project Applicant, including, without limitation compliance with these Conditions of Approval, regardless of the length of time for which failure continues, shall not constitute a waiver of City's right to demand strict compliance with such requirements in the future. No waiver by City of any failure of performance with these Conditions of Approval or other requirements associated with the Project Approval or any law or regulation shall be effective or binding upon City unless made in writing by City, and no such waiver shall be implied from any delay or omission by City to take any action with respect to such failure.

7. Enforcement

It is recognized that separate legal entities may own and develop different phases or parts of the Project, and that these separate legal entities will be responsible for compliance with all Conditions of Approval applicable to each such phase, part or facility as stated in Condition 5 above and Condition 8 below. The City shall enforce these Conditions against each legal entity/owner separately and independently from each other as long as the entities

are not in common ownership and as long as the violation does not prevent compliance with Conditions on other phases or parts of the Project.

8. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times. The Project Applicant and its agents, heirs, successors (including, without limitation, any successive owner of any portion of the Project Site) and assigns (collectively, "Project Applicant") shall be bound by these Conditions of Approval, any other terms and conditions and any other applicable legal requirements for implementation of the Project. The Project Applicant shall be responsible for assuring that any agent, heirs, successors and assigns are fully informed of, and bound by, the terms and conditions of this Approval.

9. Blight/Nuisances

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

10. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations.
- c. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of

the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

11. Severability

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

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

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

13. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City. The Applicant shall offer public improvements for dedication to the City as further described in Condition No. 54.

14. Compliance Matrix

The Project Applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

15. Construction Management Plan

Prior to the issuance of each construction-related permit and project phase, the project applicant or 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.

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

All mitigation measures identified in the *Oak Knoll Mixed Use Community Plan Project Supplemental EIR* are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment N, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the *Oak Knoll Mixed Use Community Plan Project Supplemental EIR* are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the *Oak Knoll Mixed Use Community Plan Project Supplemental EIR* has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the *Oak Knoll Mixed Use Community Plan Project Supplemental EIR* into the SCAMMRP by reference. The project applicant and property owner and subsequent merchant builders or developers, shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall

authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

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

17. Payment of Fees

- a. Prior to issuance of a building permit, the project Applicant shall submit payment for all applicable and required fees including but not limited to the School fees, transportation fees, etc.
- b. Within one year following the Effective Date, the Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the Project. The City and the Project Applicant acknowledge the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to biological, historic architectural and tribal monitors. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval, the Project Approvals and the SCAMMRP, as the final design and building permit plans for each Development Phase are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision and direction of the City. Accordingly, the Applicant shall deposit funds in amounts acceptable to the City to cover the full costs of such consultants and other types or review, monitoring and inspection, including, without limitation, third-party plan check fees.

PART 2: PROJECT SPECIFIC STANDARD CONDITIONS OF APPROVAL

Recommended Measures from Supplemental EIR

18. Star Tulip: Recommendation BIO-1

Prior to construction, the following measures shall be implemented:

- a. A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs and associated soil plugs shall be harvested from 100 percent of

the Oakland star tulip plants within the Project site following flowering and withering of leaves.

- b. Harvested bulbs shall be replanted on site in an area designated for passive open space preservation.
- c. The Project sponsor shall prepare a Monitoring Plan for relocated/transplanted Oakland star tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star tulip population, annual monitoring for successful establishment, and reporting protocols. The success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years.
- d. Contingency measures such as obtaining bulbs from other locations should be included in the plan if it appears the success criterion will not be met after two years.
- e. The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities.
- f. Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

19. Sudden Oak Death (during relocation of existing trees within the Project site or introduction of new trees): Recommendation BIO-2)

The following measures shall be implemented during relocation of existing trees within the Project site or introduction of new trees to the Project site through mitigation plantings to prevent the spread of Phytophthora ramorum, the pathogen that causes SOD.

- a. Before working:
 - i. Provide crews with sanitations kits. (Sanitation kits should contain the following: Chlorine bleach [10/90 mixture bleach to water], or Clorox Clean-up®, scrub-brush, metal scraper, boot brush and plastic gloves).
 - ii. Ensure that work crews have properly cleaned and sanitized pruning gear, trucks and chippers prior to entering the Project Area.
 - iii. Clean and sanitize shoes, pruning gear and other equipment before working in an area with susceptible species (i.e. coast live oak, canyon live oak and California bay).
- b. While working:
 - i. When possible, conduct all tree work on P. ramorum-infected and susceptible species during the dry season (June - October). The pathogen

- is most likely to spread during periods of high rainfall especially in spring (April and May). Working during wet conditions should be avoided.
- ii. If working in wet conditions cannot be avoided, keep equipment on paved or dry surfaces and avoid mud.
 - iii. Work in disease-free areas before proceeding to suspected-infestation areas.
 - iv. All debris from California bay trees, the primary vector of the pathogen, shall be mulched and spread in place, moved to a sunny dry area free of coast live oak, or disposed of offsite in a permitted disposal facility in accordance with state and federal regulations.
 - v. When removing California bay trees, all mulch and debris shall be segregated from other species when chipping, and all pruning gear and equipment, including chippers and trucks shall be cleaned and sanitized before working on coast live oaks.
- c. After working:
- i. Use all reasonable methods to clean and sanitize personal gear and crew equipment before leaving a *P. ramorum*-infested site. Scrape, brush and/or hose off accumulated soil and mud from clothing, gloves, boots and shoes. Remove mud and plant debris, especially California bay, by blowing it out or power washing chipper trucks, chippers, buckets trucks, fertilization and soil aeration equipment, cranes, and other vehicles.
 - ii. Restrict the movement of soil and leaf litter under California bay trees as spores are most abundant on California bay leaves. Contaminated soil, particularly mud, and plant debris on vehicle tires, workers boots, shovels, chippers, stump grinders, trenchers, etc., may result in pathogen spread if moved to a new, un-infested site. Thoroughly clean all equipment and remove or wash soil, mud and plant debris from these items before use at another site. If complete on-site sanitation is not possible, complete the work at a local power wash facility.
 - iii. Tools used in tree removal/pruning may become contaminated and should be cleaned thoroughly with a scrub brush and disinfected with Lysol® spray, a 70% or greater solution of alcohol, or a Clorox® solution (1 part Chlorox® to 9 parts water or Clorox Clean-up®).
- d. When planting:
- i. Replanting should occur in the early fall when the pathogen is less active, and in order to take advantage of seasonal rains. Replanting activities should avoid late winter and spring.

- ii. Planting sites for susceptible species including coast live oak and canyon live oak should be selected in areas that are at least 20 yards away from California bay trees, brush and/or plant material.
- iii. California bay shall not be used as mulch for new plantings.
- iv. Small, non-protected (less than 9 inches diameter) California bay trees and brush should be cleared within a 20-yard or greater buffer where feasible to protect susceptible oak trees that are selected for preservation.

20. CPTED: Recommendation PSR-1

As part of the City's standard development review process, the Project Applicant should submit the Project plans for Crime Prevention through Environmental Design (CPTED) review by the Oakland Police Department and Bureau of Planning staff. The Project should consider design features included on the City's CPTED Checklists for residential, commercial, and civic uses. The Project Applicant shall incorporate the Police Department's recommendations into the final Project design and shall implement the design measures to an extent generally consistent with this Project Approval. CPTED review and recommendations may address points of access to the Project site or adjacent parcels, adequate public lighting, landscaping and buffering that provides visual access, particularly in parks, open spaces, and pedestrian and bicycle facilities, etc.

21. Pedestrian Safety (Crosswalks)

- a. Recommendation TRANS-1: Provide high-visibility crosswalks (meaning denoted with reflective striping or other high-visibility pavement markings) across Mountain Boulevard at Creekside Parkway, across Mountain Boulevard at Sequoyah Road, across Keller Avenue at Creekside Parkway, and at the unsignalized or uncontrolled movements at intersections within the site, consistent with City of Oakland's guidelines in place at the time of final design.
- b. Recommendation TRANS-3: Provide sidewalk along southbound Mountain Boulevard to close the existing gap between the Oak Knoll Heights exit driveway and the intersection of Sequoyah Road and Mountain Boulevard.

22. Off-site Transportation Improvements and Capital Improvements

- a. Applicant shall design and install the off-site intersection improvements described as intersections #2, 3, 12, 13, 16, 38, and 40 in the Final EIR, provided that Caltrans and City issue all necessary permits for such improvements.
- b. Applicant shall complete installation of all such off-site improvements in accordance with the timing provisions as set forth in the EIR. The EIR's timing requirements are expressed below, in terms of Equivalent Housing Units ("EHU's"), defined in Exhibit A to these Conditions.

- i. #2: I-580 Eastbound On-Ramp/Seminary Avenue/Kuhnle Avenue (390th EHU)
 - ii. #3: I-580 Westbound Off-Ramp/Seminary Avenue/Kuhnle Avenue (940th EHU)
 - iii. #12: I-580 Eastbound Off-Ramp/Fontaine Street/Keller Avenue (280th EHU)
 - iv. #13: Mountain Boulevard/Keller Avenue (60th EHU)
 - v. #16: I-580 Westbound Off-Ramp/Mountain Boulevard/Shone Avenue (500th EHU)
 - vi. #38: Improvements to Golf Links Road/I-580 Eastbound off ramp/98th Avenue (230th EHU)
 - vii. #40: Mountain Boulevard/Golf Links Road/I-580 WB Ramp (230th EHU)
- c. Applicant shall design and install public parks and trails in accordance with this Approval and shall dedicate such parks and trails, as well as certain open space areas (“Parks and Open Space Facilities”) to the City or the Geologic Hazard Abatement District (“GHAD”) in accordance with Exhibit B.
- a-d. These off-site transportation improvements and onsite parks and open space facilities may be considered “developer constructed facilities” (i.e., transportation or capital facilities that would otherwise be funded in whole or in part by the City’s Transportation and Capital Improvements Impact Fee program (Oakland Municipal Code section 15.74) if approved by the City. The Applicant may seek a Credit and Reimbursement Agreement (Agreement) with the City (pursuant to Municipal Code section 15.74.120), whereby the Applicant may receive credit against the amount of the impact fee due, and possibly reimbursement from impact fees paid by other development projects. The applicant may also apply to the City Administrator for reductions or waivers of the impact fees (pursuant to Municipal Code section 15.74.080), whereby the City Administrator may find the Project will not generate a need for transportation or capital improvements infrastructure or the need will be limited so as to justify a reduced impact fee, because the Project will instead provide for these transportation or capital infrastructure improvements. The ultimate approval of any credits, reductions or waivers are at the sole discretions of the City.

Planned Unit Development Permit, Preliminary Development Plan and Final Development Plan

23. Phase 1 Public Improvements

Multiple final maps may be filed for the Project, subject to the Phasing Schedule set forth in Oak Knoll Preliminary Development Plan, and a more fully set forth below.

Modifications to this Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission. The Oak Knoll Preliminary Development Plan anticipates that the property will be developed in three phases, as shown in **Exhibit C**. The Developer shall have the right to develop the Project at such time as Developer deems appropriate; however, Developer may not proceed with development of Phase 2 or 3 until all public improvements for Phase 1 (see **Exhibit D**) are complete, as further described below for specific Phase 1 public improvements.

- a. Prior to issuance of the first building permit for Phase 1, Developer shall obtain all necessary permits and shall commence construction of all **Rifle Range Creek improvements**, consistent with the Hydrology Report (Restoration Plan and Preliminary Creek Protection Plan, ESA, as revised February 24, 2016) and Master Developer Site Improvements for Creek Restoration Planting Plan and Restoration Sections (FDP Sheets L043 through L045), and including City-issued conditions of approval pursuant to the Creek Permit for Rifle Range Creek, and all applicable EIR mitigation measures. All Rifle Range Creek improvements must be deemed complete and satisfactory by City and any other applicable regulatory agencies prior to issuance of a certificate of occupancy for the final unit in Phase 1, and prior to issuance of any building permits for Phases 2 or 3. The term “all Rifle Range Creek improvements” include the following:
 - i. The **Creekside Loop Vehicle Bridge**, consistent with Master Developer Site Improvements FDP, Sheets L012 through L014
 - ii. The **Pedestrian Bridge** across Rifle Range Creek, consistent with Master Developer Site Improvements FDP, Sheets L012 through L014
 - iii. Trail improvements and trail signage through Open Space Parcel A (i.e., the **Rifle Range Creek Creekside Trail**), connecting from Creekside Parkway to the relocated Club Knoll parcel, consistent with Master Developer Site Improvements FDP Sheet L005.
- b. To facilitate orderly development, the construction of primary access roadways (see Creekside Parkway and Creekside Loop, below) may be individually phased to meet initial Phase 1 development requirements. Prior to issuance of the first certificate of occupancy for the first residential unit within any individual portion of Phase 1, any sub-phased roadway improvements shall meet the requirements of the City of Oakland Subdivision Ordinance and the provisions of the Subdivision Map Act, and shall be approved by the Oakland Fire Department as providing two acceptable means of access, inclusive of construction of the Creekside Loop Vehicle Bridge.
- c. Prior to issuance of any building permits for Phases 2 or 3, Developer shall grade and construct all remaining **Creekside Parkway** improvements from Mountain Boulevard to Keller Avenue, consistent with Master Developer Site

Improvements FDP Sheets L002 and L003, inclusive of intersection improvements at Mountain Boulevard, streetlights, entry monuments and streetscape landscape improvements. The Creekside Parkway shall be designed and installed design fully consistent with the Creekside Parkway Design Details as presented in Master Developer Site Improvements FDP Sheet L007. These improvements shall include the following:

- i. A 68-foot right-of-way inclusive of *Class I bikeway and multi-use trail along Rifle Range Creek.*
 - ii. Installation of a new traffic signal at the *Mountain Boulevard/Creekside Parkway intersection*
 - iii. Installation of an all-way-stop control at the *Keller Avenue/Creekside Parkway intersection*
 - iv. Design and relocation of the *bus stop and bus shelter* near the Mountain Boulevard/Creekside Parkway intersection
- d. Prior to issuance of any building permits for Phases 2 or 3, Developer shall grade and construct all remaining *Creekside Loop* improvements, from Mountain Boulevard to Creekside Parkway (or to the Seneca parcel, if the Seneca parcel is operating), consistent with Master Developer Site Improvements FDP Sheets L003, inclusive of streetlights and streetscape landscape improvements. The Creekside Loop design shall be fully consistent with the Creekside Loop Design Details as presented in Master Developer Site Improvements FDP Sheet L008.
- i. The Developer shall install improvements as necessary at the *Mountain Boulevard/Creekside Loop intersection* to ensure right-in/right-out only access.
- e. Prior to issuance of any development-related permit for VTTM Parcel 7, Developer shall commence relocation of the Club Knoll building, including obtaining a necessary demolition permit, grading of the new building receiver site (VTTM Parcel H), disassembly of the existing Club Knoll building, and moving all disassembled building components to safe storage at VTTM Parcel 7, consistent with *Club Knoll Relocation and Rehabilitation* FDP (Architectural Dimensions, April 03, 2017), and all applicable EIR mitigation measures. Prior to issuance of any building permits for Phases 2 or 3, or within 2 years from issuance of the Club Knoll demolition permit for relocation, whichever comes first, Developer shall complete (via City issuance of a certificate of occupancy) restoration of Club Knoll.
- f. Prior to issuance of a certificate of occupancy for any residential units on VTTM Parcel 7, Developer shall install street and sidewalk improvements, including approved *Emergency Vehicle Access* (EVA) improvements through the “Barcelona” property, with EVA-only connection to Sequoyah Road.

- g. Prior to issuance of the 100th residential building permit in Phase 1, Developer shall construct the *Creekside Entry Park* improvements (including trail and trail signage), consistent with Master Developer Site Improvements FDP, Sheets L027 through L028.
- a.h. Prior to issuance of a certificate of occupancy for any development within the Retail Village that is adjacent to the public plaza, Developer shall install the *Public Plaza* as indicated in the Preliminary Development Plan. The proposed grocery store site can be constructed first, without the plaza.

24. **Phase 2 and 3 Public Improvements**

The Developer shall have the right to develop Phases 2 and 3 of the Project at such time as Developer deems appropriate; however, Developer may not proceed with development of Phases 2 or 3 until all public improvements for Phase 1 (see Condition #23 above) are completed, and as further described below for specific Phase 2 and 3 public improvements.

- a. Developer shall construct the *North Neighborhood Park*, consistent with Master Developer Site Improvements FDP, Sheets L029 through L031, prior to issuance of a certificate of occupancy for any residential units on VTTM Parcels 21 and/or 25.
- b. Developer shall construct the *Village Pocket Park*, consistent with Master Developer Site Improvements FDP, Sheets L032 through L034, prior to issuance of the final certificate of occupancy for residential units on VTTM Parcels 19 or 20.
- c. Developer shall construct the *Oak Knoll Memorial Park* including the trail and trail signage through Open Space Parcel J, consistent with Master Developer Site Improvements FDP, Sheets L035 and L038, prior to issuance the first certificate of occupancy for residential units on VTTM Parcel 15, or prior to the dedication of Open Space Parcel J.
- d. Developer shall construct the *Emergency Vehicle Assess* improvements to VTTM Parcels 16 and 17 as shown on the VTTM, prior to issuance of a certificate of occupancy for any residential units on VTTM Parcels 16 or 17.
- e. Developer shall implement trail improvements and trail signage through *Open Space Parcel I* (i.e., the Hardenstein property), prior to issuance of a certificate of occupancy for any residential units on VTTM Parcels 13 or 14.
- f. Developer shall implement trail improvements and trail signage through *Open Space Parcels B and R* (i.e., adjacent to lower Keller Avenue and Mountain Boulevard), prior to issuance of a certificate of occupancy for any residential units on VTTM Parcels 1 or 2.

25. Club Knoll Work Plan, Approval and Monitoring

Prior to approval of a construction-related permit for Club Knoll

A Final Work Plan for Club Knoll Relocation and Rehabilitation shall be prepared and submitted for City review and approval. The contents of the Final Work Plan shall include:

- a. Final Relocation Travel Route Plan
- b. Complete Baseline Building Conditions Study, Structural
- c. Complete Building Features Inventory and Plan
- d. All identified Specific Relocation/ Rehabilitation Measures as included in the SEIR

At City's discretion, City may retain third-party independent professional consultants to review and make recommendation on the Final Work Plan prior to approval. The Final Work Plan shall be submitted to LPAB for their review and approval prior to implementation. A third-party independent professional preservation architect and structural engineer (as defined in the Carey & Co. report dated May 3, 2016) shall be on site to monitor dismantlement and reassembly of Club Knoll.

26. Owner's Completion Bond

Prior to issuance of a construction-related permit

Consistent with Municipal Code Section 15.44.030, the project applicant or their designated representative shall file with the Building Inspector a surety company bond executed by owner or lessee as principal, and conditioned as follows:

- a. That all of the work required to be done to complete the relocation and rehabilitation shall be as set forth in the Final Work Plan for Club Knoll pursuant to the conditions of approval set forth herein.
- b. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus ten percent, and shall name the City of Oakland as obligee.
- c. If the Building Inspector determines that the conditions and obligations of the Club Knoll relocation and rehabilitation permit as set forth in the Final Work Plan have not been met by the property owner or lessee, the Building Inspector may notify the property owner of the obligations with a 60-day opportunity to cure. If such cure is not effected, the City may proceed at the property owner's expense to complete all remaining obligations under the Final Work Plan. Remaining

relocation and rehabilitation work may be done by private contractors, and the Building Inspector shall keep an itemized account of all such reasonable costs.

- d. Upon completion of the work, the City Manager or his or her designee shall provide written notice to the owner or lessee, showing the itemized reasonable cost of such work and giving notice of the day, hour and place when the City Council will hear and pass upon a report by the Building Inspector or his or her representative of said costs.

27. Surety Bond

Prior to issuance of a construction-related permit

Consistent with Municipal Code Section 15.44.070 and 080, the project applicant shall file a surety bond with the City Clerk, executed by the project applicant and by a surety company authorized to do business in California as surety.

- a. The surety bond shall name the city of Oakland as obligee, and shall be a principal amount as may be fixed by the City Manager based upon the facts and conditions of the proposed relocation and rehabilitation of Club Knoll.
- b. The surety bond shall be conditioned as to the following:
 - i. That the project applicant (or their designated representative) shall well, truly, honestly and faithfully perform and execute the duties of a building mover as regulated by the Oakland Municipal Code.
 - ii. That the project applicant (or their designated representative) shall strictly comply with all the applicable conditions and requirements of the Oakland Municipal Code regulating the moving of buildings.
 - iii. That the project applicant (or their designated representative) shall pay any and all losses or damages that may result from moving the Club Knoll building, to any property owned or controlled by the city or for which it may be responsible, and to any property belonging to any public utility company or public carrier.
 - iv. That the project applicant (or their designated representative) shall save, indemnify and keep harmless the city against all liabilities, judgments, costs and expenses which may in any way accrue against the city as a consequence of the granting of the permit to move the building.
 - v. That the project applicant (or their designated representative) shall file an insurance policy of public liability and property damage with the City Clerk that satisfies all City requirements.

28. Club Knoll Relocation

The relocation of Club Knoll shall follow all building permit procedures including but not limited to noticing requirements, as applicable.

29. Historic Maintenance***Ongoing***

The project applicant and/or successors shall keep in good repair all exterior and interior portions of Club Knoll, the maintenance of which is necessary to prevent deterioration and decay of the building. The Covenants, Conditions and Restrictions (CC&Rs) approved for the operation of the HOA shall include:

- a. a requirement to contract with a professional property management firm to operate and maintain the Club Knoll building on their behalf, potentially off-setting these management expenses through revenue derived from commercial lease of certain space within the building.
- b. a provision requiring the HOA to maintain the exterior façades of the building and the landscaping around the building at commercially reasonable standards of repair and appearance (which standards shall be defined in the CC&Rs)
- c. a provision stating that, after adequate notice to the HOA and an opportunity for the HOA to cure any alleged failure to maintain, the City shall have the right to perform the required maintenance and repairs in the event the HOA fails to do so,
- d. a written procedure for the reimbursement of costs incurred by the City in so maintaining to the standard set forth in the CC&Rs;
- e. a provision stating that the City shall have the right to enforce the Club Knoll maintenance provisions contained in the CC&Rs as a third-party beneficiary.

30. Public Art for Private Development Condition of Approval (Commercial)

The commercial portions of the Project are subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). As a non-residential project, the public art contribution requirement is equivalent to one percent (1%) of building development costs for the project. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City's established public art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for the applicable Phase in which the public art is located unless a separate, legal binding instrument is executed ensuring compliance within a timely manner,

subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license or be an Oakland-based 501(c)(3) tax designated organization in good standing. If the applicant or owner desires to install art created by an artist not verified by the City, the applicant or owner shall pay a verification fee to the City in accordance with the Master Fee Schedule.

When Required: Prior to issuance of Final Certificate of Occupancy and Ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

31. Public Art for Private Development Condition of Approval (Residential)

The residential portions of the Project are subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). As a residential project, the public art contribution requirement is equivalent to one-half percent (0.5%) of building development costs for the project. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City's established public art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each Phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner, subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license or be an Oakland-based 501(c)(3) tax designated organization in good standing. If the applicant or owner desires to install art created by an artist not verified by the City, the applicant or owner shall pay a verification fee to the City in accordance with the Master Fee Schedule.

The project sponsor is encouraged to allocate the public art funds to hire Oakland-based artists to provide public art on or near the site.

When Required: Prior to issuance of Final Certificate of Occupancy for the first unit and Ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

32. Club Knoll Hours of Operation and Operations

Hours of Operation for community events, commercial operations and Home Owner's Association (HOA) use shall be included and specifically outlined in the CC&R's for HOA. In addition, the Club uses shall operate within the Performance Standards outlined in Planning Code Section 17.120. Furthermore, any potential Alcohol and Beverage Sales shall meet Planning Code Section 17.103.030.

33. Club Knoll Restaurant/Kitchen Uses

Prior to issuance of a building permit, the project Applicant shall "plumb" Club Knoll for restaurant/kitchen uses including grease interceptors and exhaust, subject to the requirements of the Historic Building Code.

34. Plug-In Electric Vehicle (PEV) Charging Infrastructure

a. PEV-Ready Parking Spaces: For on-site parking, the project applicant shall comply with of the requirements of Chapter 15.04 of the Oakland Municipal Code for the installation of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready) per requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. PEV-Capable Parking Spaces: For residential and non-residential projects with more than 11 onsite parking spaces, the project applicant shall comply with requirements of Chapter 15.04 of the Oakland Municipal Code for the installation of ADA-inaccessible conduit to supply PEV-capable parking spaces. The Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. ADA-Accessible Spaces: For public buildings, public accommodations, commercial buildings, and publicly funded housing, the project applicant shall indicate the location of future accessible EV parking spaces as required under

Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

35. Bike Lane Requirements.

Commensurate with required traffic intersection improvements, the following adjacent or proximate bike lanes shall be installed, confined within existing roadbeds through the restriping of traffic lanes. Modifications to the City's standard lane widths may be required to install these bike lanes. The installation of these bike lanes shall not require any modifications to any roadbeds, curb, gutter, bridge or other structures, other than restriping. The plans will be reviewed by the Department of Transportation's Bicycle & Pedestrian Facilities Program. If these bike lanes are not feasible under the foregoing limitations or result in new traffic impacts that were not studied in the City's Bicycle Master Plan or the Oak Knoll Project Supplemental EIR, they shall not be required to be installed as a Condition of Approval.

- a. Mountain Blvd (Maynard Ave/I-580 WB on-ramp to Golf Links Rd): If engineering studies indicate bike lanes are feasible, install bike lanes through restriping in each direction on Mountain Blvd from Maynard Ave to Golf Links Rd. Minimize the elimination of on-street parking from Shone Ave to Keller Ave by having one northbound lane. If a second northbound lane is deemed necessary to meet City traffic standards on the approach to Keller Ave., and is feasible to construct, minimize its length to what is necessary for the traffic signal operations. From Sequoyah Rd to Golf Links Rd, maintain the northbound on street parking that is immediately in front of private residences. This will leave some gaps in the bike lanes. Eliminate the parking that is not in front of private residences in order to install the bike lanes. As part of the intersection design for Mountain Blvd/Golf Links Rd, include bike lanes in both directions on Mountain Blvd between Golf Links Rd and the point approximately 400 feet north of the intersection where the curb-to-curb width of Mountain Blvd narrows.
- b. Golf Links Rd (Mountain Blvd to 98th Ave) and 98th Ave (Golf Links Rd to Stanley Ave): Install bike lanes in each direction on Golf Links Rd (Mountain Blvd to 98th Ave) and on 98th Ave (Golf Links Rd to Stanley Ave). On 98th Ave, maintain the existing on-street parking at the frontage of the Bishop O'Dowd High School parking lot, resulting in a short bike lane gap.

- c. Edwards Ave (Mountain Blvd/I-580 WB on-ramp to I-580 EB off-ramp): Install bike lanes in each direction on this one block of Edwards Ave (Mountain Blvd/I-580 WB on-ramp to I-580 EB off-ramp) to improve bicyclist safety on the existing bike route in the Mountain Blvd corridor. Specifically, the freeway overpass creates low light conditions and visibility issues that may be ameliorated by separating bicyclists from motor vehicles with dedicated bicycle lanes.
- d. Kunhle Ave (Mountain Blvd to Seminary Ave/Sunnymere Ave): In conjunction with the installation of two traffic signals, redesign through restriping the one block of Kunhle Ave from Mountain Blvd to Seminary Ave as follows: one travel lane per direction, left turn pockets, and one bike lane per direction. This redesign will eliminate one travel lane per direction.

36. North Neighborhood Park along Keller

No sports field lighting or permanent field striping shall be installed in the play lawn (informal ball field).

Design Guidelines

37. Facade Materials

No foam materials are appropriate as a façade, trim, parapet or detail material.

38. Wall Design along Mountain

Prior to issuance of a Building Permit, the project Applicant shall submit the design of the privacy wall, consistent with the entitlement documents, along Mountain Boulevard to the Bureau of Planning for review and approval with the Final Development Plan submitted for that area of the Project.

39. Master Signage Program

The applicant for the Retail Village FDP shall submit a master signage program for the Village Retail Center for review and approval per the Planning Code. No signage shall be visible from the freeway without subsequent CEQA review for affects to a scenic highway.

40. Retail Signage

No retail or commercial signage shall be visible from I-580, a scenic highway.

41. Trail, Creek, and Bike Lane Signage / Markers

The applicant shall submit construction drawings of trail, creek and bike lane signage and markers prior to the issuance of grading and building permits for each phased FDP. The

construction drawings shall be consistent with the signage program submitted as part of the Master Developer FDP.

Vesting Tentative Tract Map

42. City Surveyor Conditions

Prior to recording of each map

Multiple phased final maps may be filed subject to the Phasing Schedule set forth in Oak Knoll Preliminary Development Plan. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

- a. All street shall have monuments installed for each Final Map as follows:
 - i. Monuments shall be shown on the tentative map at all BC's, PC's PRC's, Intersections (with other monument lines) and Center of Cul-de Sacs or within 25 feet of the end of a road.
 - ii. This requirement is for ALL roads and driveways, public or private.
 - iii. Monuments shall be coordinated to be parallel with the right of way and equally offset from the centerlines. No utility lines shall be allowed to be placed within 3 feet on either side of the monument lines.
 - iv. Monuments shall be no greater than 600 feet apart on tangent sections. Within tangent sections greater than 600' the monuments shall be evenly spaced.
 - v. All monuments shall comply with the Standard City Monument drawings in use at that time which will be available from the City Surveyor.
 - vi. All monuments not in place at the time of the submission of the first final map shall be bonded to insure installation.
 - vii. Any existing monuments by the federal government or others shall be mapped, identified and the appropriate Record of Survey or Corner Record filed with the County. Castings and disks shall be salvaged and delivered to the City of Oakland.
- b. Benchmarks (BMs) shall be installed with the installation of improvements at the time of the filing of each final map at intersections or mid-block as follows:
 - i. BMs shall be spaced at approximately a 1/4 mile (a 1250 to 1500 foot) radii throughout the entire site.
 - ii. All BMs shall be established on City of Oakland datum

- iii. For Each BM, when set, the surveyor shall prepare an official ‘card’ (electronic) which will be provided by the City Surveyor’s office which will include level notes, descriptions, elevation, etc.
 - iv. Benchmarks not in place at the time of the submission of each final map shall be bonded to insure installation.
 - v. The approximate locations of all BM’s shall be shown upon the tentative map.
- c. All perimeter property corners shall be field established by each submitted final map. Corners shall be established with 1/1/2”x4’ iron pipes (and tags) in a concert collar and will be clearly identified by fiberglass posts (Carsonite or equal) corner markers acceptable to the City Engineer.

Fire Department Conditions

43. Fire Prevention Bureau Requirements

Ongoing.

The project shall comply with all the requirements from the Fire Marshall memo dated September 29, 2017 (Attachment T).

Public Works Agency Conditions

44. Pedestrian Bridge

The pedestrian bridge shall be a minimum of 8’ in width. The cross section shall be submitted for review and approval by the Department of Transportation. The pedestrian bridge shall be dedicated to and owned by the City of Oakland and shall be used solely for public pedestrian access. The pedestrian bridge shall include adequate lighting in accordance with the City of Oakland Outdoor Street Lighting Standards.

45. FEMA Regulations

All final design of buildings and structures, public or private, shall meet any applicable FEMA regulations to the satisfaction of the City Engineer in consultation with City Building Official, and the City’s Floodplain Administrator.

46. Vehicle Bridge

The new Vehicle Bridge should include new sidewalks that are a minimum of 6’ in width on both. The Vehicle Bridge shall include adequate lighting in accordance with the City of Oakland Outdoor Street Lighting Standards.

47. Bulb-outs Design

Bulb-outs within the City right-of-way shall be curved and designed to accommodate street sweeping trucks.

48. Sanitary Sewers Design

The sanitary sewer design for the project shall be gravity flow.

49. Geotechnical Peer Review***Prior to issuance of a grading permit***

At the discretion of the City Engineer or the City Building Official, the applicant shall provide a Geotechnical Peer Review by a licensed Geotechnical Engineer. The recommendations provided in the peer review report shall be responded to in writing by the Geotechnical Engineer. The recommendations provided in the peer review shall be incorporated into improvement plans to the satisfaction of the City Engineer and City Building Official prior to issuance of related grading and/or building permits. The developer shall be responsible for the costs of any Geotechnical peer review as required by the City.

50. Construction, Ownership and Maintenance of Certain Improvements

Ownership and maintenance of certain improvements will be as set forth in the “Oak Knoll Development Ownership, Funding Sources and Maintenance Responsibilities” (“Oak Knoll Matrix”) attached hereto as Exhibit B. The Applicant shall dedicate, and the City shall accept, all facilities designated for City of Oakland ownership on Exhibit B, and which, in the City’s discretion, are completed in accordance with approved improvement plans, including but not limited to public parks and trails, public roads, bio-retention swales and stormdrain. For parks to be dedicated to the City, park improvement plans shall be subject to review by the Bureau of Planning. Except for public parks, Applicant shall retain the right to maintain ornamental landscaping on any City-owned property, including but not limited to street trees, street planters, and decorative signage.

Prior to approval of the first final map for the Project:

- a. Formation of Community Facilities District: City shall establish a community facilities district (“CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “CFD Act”). The CFD will include within its boundaries all of the Oak Knoll Development Project. All costs of forming and implementing such CFD, including, without limitation, costs for consultants, elections and any legal challenge, shall be at Applicant’s sole costs, and the Project Applicant shall make an initial advance payment to the City for formation costs of the CFD, and shall advance additional amounts within fifteen (15)

business days after the written request by the City, subject to subject to reimbursement out of the proceeds of bonds or facilities special taxes collected in the CFD. All contractors and consultants paid or reimbursed by the CFD or the City shall be subject to the direction of the City. The CFD shall have full responsibility for improvements and maintenance, which obligations shall be responsibilities of Applicant until such time as the CFD is fully formed and financed to City satisfaction and City approves Applicant's release from such obligations. The CFD shall be advanced by the Project Applicant. The CFD will contain two separate special taxes, described as follows:

- i. Facilities Special Tax. The facilities special tax shall be levied to finance the construction and acquisition of the Facilities (defined below) and to secure bonds issued to finance the construction and acquisition of the Facilities. The facilities special tax will be pre-payable and will escalate annually by 2%.
 - ii. Services Special Tax. The services special tax shall be levied to finance the maintenance of the Maintained Facilities (defined below). The services special tax will be levied in perpetuity and will not be pre-payable. The services special tax will escalate annually by 2%.
- b. Authorized Facilities. The CFD, through the facilities special taxes, shall be authorized to finance all of the following facilities (herein, the "Facilities"), irrespective of the geographic location of the improvements financed:
- i. Project capital improvements such as streets, utility lines, grading and drainage.
 - ii. Affordable Housing Fees of the City of Oakland, as may be used for designated capital improvements.
 - iii. Capital fees of East Bay Municipal Utilities District.
 - iv. Capital fees of the Oakland Unified School District.
- c. Authorized Services. The CFD, through the services special taxes, which shall be based on an amount determined by the City Council as necessary to maintain public facilities within the CFD, to meet City-defined standards and cost parameters, shall be authorized to maintain the following improvements (herein, the "Maintained Facilities"), which are in or adjacent to the CFD:
- i. Publicly-owned parks
 - ii. Publicly-owned bridges
- d. Joint Community Facilities Agreements. Under the CFD Act, City may be required to enter into one or more joint community facilities agreements with other governmental entities that will own or operate any of the Facilities to be financed by the CFD. The City and Project Applicant agree that they will take all

steps necessary to procure the authorization and execution of any required joint community facilities agreements with other governmental entities before the issuance of any CFD Bonds that will finance the construction or acquisition of Facilities that will be owned or operated by such other governmental entities.

- e. The RMA. In setting the tax rates in the Rate and Method of Apportionment (the “RMA”) for the CFD, the Total Tax Obligation (as defined below) on any residential unit within the CFD will not exceed two percent (2.00%) of the market value of that residential unit at the time the bonds are sold, secured by Special taxes of the CFD (the “2.00% Limitation”). The appraised value of a residential unit shall be determined by appraisal within no more than 90 days prior to the sale of bonds secured by such residential unit. The term “Total Tax Obligation” means, with respect to a residential unit at the time of calculation, the sum of: (a) the ad valorem taxes actually levied or projected to be levied at the time of calculation; (b) the assigned facilities special tax rates and the services special tax rates levied or projected to be levied at the time of calculation; and (c) all other special taxes (based on assigned special tax rates) or assessments secured by a lien on the residential unit levied or projected to be levied at the time of calculation. The RMA for the CFD will provide that the facilities special taxes will be levied on parcels of Developed Property (property for which a building permit has been pulled) at the maximum assigned rates both before and after bonds have been issued, and any facilities special taxes collected that are not needed for debt service on the bonds, administrative expenses, or replenishment of reserve funds will be available to finance the Facilities.
- f. Issuance of CFD Bonds. City, on behalf of the CFD, intends to issue one or more series of CFD Bonds for purposes of financing the Facilities. Project Applicant may submit written requests that City issue CFD Bonds, specifying requested issuance dates, amounts, and main financing terms. Following Project Applicant’s request, Project Applicant and City will meet with City’s public financing consultants to determine reasonable and appropriate issuance dates, amounts, and main financing terms that are consistent with these conditions of development and the CFD Goals. The CFD Bonds shall be issued pursuant to an indenture, trust agreement, or fiscal agent agreement (however denominated, an “Indenture”) between the CFD and a fiscal agent or trustee (however denominated, the “Fiscal Agent”). CFD Bonds will have a term of not less than thirty (30) years and not more than thirty-five (35) years unless Project Applicant and City agree otherwise.
- g. Maintenance of Facilities. The RMA will provide that the services special taxes will be used to finance the Maintained Facilities. The annual amount of the services special taxes to be levied will depend on the budgetary process described below:

- i. Services special taxes shall be levied to create a reserve fund to provide for restoration, maintenance, replacement repair or other work associated with the Maintained Facilities.
 - ii. The Project Applicant shall provide start-up funds for the CFD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.
 - iii. The services special taxes shall be authorized to finance both on-going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters. This work shall be based on the final grading, site soils conditions and specifications for improvements unless otherwise covered by the GHAD.
 - iv. The services budget shall separately identify the projected costs associated with standard annual operation, administration and maintenance work on the Maintained Facilities; long-term operation and maintenance including life cycle replacement costs of major features including but not limited to the Roadway and Pedestrian Bridge;—and the reserve fund debt service requirements described in item 1 above.
- h. Other Obligations and Requirements:
 - i. The CFD shall submit an annual report to the City Council detailing compliance with Minimum Maintenance Standards, and budgetary and other financial information relevant to the CFD operations.
 - ii. The CFD shall obtain general liability insurance and directors' insurance for the Board of Directors to the extent that the CFD Board determines in its sole discretion that such insurance is available at commercially reasonable rates.
 - iii. The assessments or taxes necessary to fund the above requirements must be determined following a thorough financial analysis and must include adequate funding for indemnity and insurance obligations. The City's attorney and Risk Manager shall also review the adequacy of the funding for the indemnity and insurance and may make recommendations regarding such funding.
 - iv. The taxes or assessments shall be fully authorized and imposed on the project site prior to approval of the first final map.

51. **Annexation of Project Area into Oakland Area Geological Hazard Abatement District (GHAD)**

At Developer's request and sole cost, the City shall annex all of the properties within the boundary of the Project into the Oakland Area Geological Hazard Abatement District ("GHAD") and shall cooperate in the preparation of all documents and plans necessary for the GHAD's ownership and maintenance of the open space facilities within the Project, as set forth in Exhibit B, including but not limited to any Resolution(s) of Annexation, Engineer's Report(s) and Plan(s) of Control. To the extent the City is the fee owner of the parcels to be included within the GHAD, City shall fully cooperate with the Developer in the annexation of these parcels into the GHAD and with the implementation of all of the GHAD's operations and activities. The Applicant shall dedicate to the GHAD all facilities and land areas indicated to be owned in fee by the GHAD on Exhibit B, subject to a reservation of rights by Applicant for the purpose of maintenance of ornamental landscaping.

52. **Confirmation of Substantial Compliance with Vesting Tentative Tract Maps**

Prior to the recordation of each Final Map

Prior to recordation of each Final Map, site improvement plans and a title report shall be submitted for the review and approval of the City Planning Director or his/her designee demonstrating substantial compliance with the approved VTTM and the "Project Plans" as set forth in Condition of Approval 1, as well as any subsequent permit received from a responsible or other agency with authority over the project site.

53. **Financing and Conveyance Maps**

As used in these conditions of approval, "final map" means only those final maps filed for construction purposes.

- a. An Ordinance for accepting and processing Finance and Conveyance Maps, (F&C Maps) has not been adopted by the City at the time of the approval of this project. Any tentative and final F&C Maps submitted for this project shall be processed in the same manner as a Tentative Parcel Map application and Parcel Map application, respectively, and fees owed per the City's adopted Master Fee Schedule for Tentative Parcel Map applications and Parcel Map applications shall apply, respectively, unless an Ordinance for F&C Maps has been adopted and the Master Fee Schedule updated to include specific fees for F&C Maps.
- b. After approval of a Tentative F&C Map, any application for a Final F&C Map shall be submitted to the Department of Transportation, Engineering Services, and the appropriate fees shall be paid in full by the applicant prior to Staff beginning any review.

- c. The following statements shall be clearly printed in a prominent and easily legible on the face of each proposed Tentative and Final F&C Map:
 - i. “FOR FINANCE AND CONVEYANCE PURPOSES ONLY.”
 - ii. “THIS MAP DOES NOT CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY.”
 - iii. “THIS MAP DOES NOT REMOVE ANY DEVELOPMENT REQUIREMENTS SET FORTH WITH APPROVAL OF THE VESTING TENTATIVE MAP 8320 AND CITY’S PLANNING PROJECT NUMBER PLN15378 WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY.”

- d. Tentative F&C Maps shall provide sufficient information on future uses and feasibility of future uses to ensure consistency with the approved vesting tentative tract map number 8320 and the project conditions of approval, including the project’s environmental mitigation measures, to the satisfaction of the Planning Director and the City Engineer.

- e. All parcel lines shown on tentative and final F&C Maps shall not conflict with any existing easements or proposed easements as identified on the approved vesting tentative map number 8320.

- f. No building permits shall be issued for development of any parcel or parcels presented in any recorded F&C Map until a Final Tract Map or Parcel Map is recorded with the County.

- g. Prior to recording any final F&C Map it shall conform to and meet the requirements of the Subdivision Map Act and the City’s Municipal Code as determined by the City Engineer.

- ~~a-h.~~ Parcels identified on the approved vesting tentative tract map 8320, 1) for which, a Final Parcel or Tract Map is already recorded with an executed Subdivision Improvement or Public Infrastructure Agreement, or 2) included in a mylar map signed by the Owner(s) and delivered to the City but not yet recorded by the County, shall be excluded, removed from, any F&C Map application as determined by the City Engineer.

54. Offers of Dedications at time of Final Map

Prior to recordation of each Final Map

Prior to recordation of each Final Map, all reservations and offers for dedications of easements, parcels and improvements and all other easements deemed necessary for all existing and proposed utilities shall be identified, to the satisfaction of the Transportation

and Right of Way Management Division, for the portion of the project included in the Final Map. The Applicant shall prepare all required documentation for such reservations and offers of dedication, including, but not limited to, deeds, legal descriptions and plat maps as requested by the City in its absolute discretion. Closure calculations for all easements, except the public utility easements (PUE) located adjacent to streets, shall be submitted for review and approval by the Transportation and Right of Way Management Division.

55. Selection of Street Names

Prior to the recordation of each Final Map

Prior to recordation of each Final Map, street names shall be selected and submitted for approval by the Bureau of Building, PWA Engineering Services, Fire Department and Police Department.

56. Subdivision Conditions, Covenants & Restrictions (CC&Rs)

Prior to the recordation of the first Final Map for the first Project Phase

Conditions, Covenants, and Restrictions (CC&Rs) for the total master planned community shall be prepared and submitted with an application for the first Final Map and shall be reviewed and approved by the Planning and Zoning Division and the City Attorney's Office. Such CC&Rs shall: (1) reserve all necessary nonexclusive easements for private streets, public utility easements or private utility access easements for pedestrian and vehicular ingress and egress, emergency vehicular access, and any necessary emergency exiting and/or public utility purposes identified by the City; and (2) include a covenant prohibiting any permanent improvements (with the exception of those shown on approved improvement plans or otherwise approved by the City) that may obstruct private streets, public utility easements, or private utility easements so as to restrict emergency vehicle ingress or egress or access to public utilities.

- a. The master community CC&Rs may include procedures whereby property within the development may be added to the CC&Rs by means of annexation as subsequent Final Maps are processed.
- b. In addition, neighborhood CC&Rs for any sub-project common interest developments shown on a Final Map (whether condominium projects or planned developments or shared access facilities) shall be prepared and submitted prior to the issuance of building permits for those individual merchant builders, and shall be reviewed and approved by the Planning and Zoning Division and the City Attorney's Office with respect to that Final Map. It is acknowledged by the City that common interest development CC&Rs are be subject to review and approval of the California Bureau of Real Estate (CalBRE) and may, subsequent to City review, be subject to revision as directed by CalBRE or as otherwise necessary to

comply with California Subdivided Lands Act, related regulations, and California common interest development laws.

- c. Neighborhood CC&Rs which include common interest of shared access facilities shall provide for shared maintenance responsibilities for any such shared access facilities.

57. Subdivision Improvement Plans for Each Final Map

Engineered subdivision improvement plans in accordance with this Approval shall be prepared to meet all of the requirements of the City of Oakland Subdivision Ordinance and the provisions of the Subdivision Map Act and shall include the following: water, storm water drainage, sanitary sewer, street improvement, traffic and utility service plans. The Subdivision Improvement Agreement shall include requirements for security for all public improvements required as a condition of approval of the corresponding Tentative Subdivision Map (or the Tentative F&C Map pursuant to Condition No. 50, as applicable) not completed as of the time of Final Map (or Final F&C Map, as applicable), as described in the California Subdivision Map Act and Title 16 of the Municipal Code.

58. Subdivision Improvement Agreement

Prior to recordation of each Final Map, a subdivision agreement, in a form acceptable to the Design and Construction Services Division and the City Attorney's Office, shall be prepared and executed for the construction of all public improvements.

59. Cost Estimates for Improvements

Prior to the City Engineer's acceptance of each Final Map, an Engineer's Estimate shall be submitted for the cost of all public improvements. The estimate shall be subject to approval by the Design and Construction Services Division. Based on the engineer's estimate, bonds or other approved securities must be furnished to the City in accordance with the Subdivision Improvement Agreement to ensure completion of public ~~and private~~ improvements.

60. Final Grading Plan for Mass Grading or for Individual Project Phases

Prior to the issuance of a grading permit related to a building permit(s) or execution of a subdivision improvement agreement, Applicant shall file a final grading plan that is to accompany the subdivision improvements plans that shall be prepared and submitted with the grading permit application, and shall include the following:

- a. The grading plan shall show all proposed and existing contours as well as proposed drainage improvements.
- b. As applicable to the grading phase, final grading, drainage and foundation plan shall be prepared in accordance with the recommendations of the geotechnical

report (including recommendations of the soil engineer) and supplemental letters. These reports shall identify the specific amount of fill material, if any, that is to be imported on the site. Retaining walls shall be a split-face or scored concrete block, or consistent with the approved PDP, FDP, and Design Guidelines, and shall not exceed the heights as specified on the approved Vesting Tentative Map. and shall require separate building permits.

- c. The final grading plan of all pads shall substantially comply with the preliminary grading presented on the approved Vesting Tentative Map, and shall include any inconsistencies between the contours and numeric grade shown on the Vesting Tentative Map and the final grading plan shall be subject to the approval of the City Engineer and Building Official.
- d. No mass grading shall occur between October 15th and April 15th unless approved by the City Engineer and Building Official.

61. Construction Plans for Fire Apparatus Access Roads, Off-street Parking and Access to Lots.

Prior to recordation of a final map for each project phase the improvement plans for each Final Map shall be submitted to the Fire Department for review and approval. These construction plans shall show for fire apparatus access roads, off-street parking and fire access to all lots/parcels within the Oak Knoll community. These plans shall include the following:

- a. Construction documents. Construction plans for fire access roads and plans for the water supply and distribution. CFC 501.3 and 501.4.
- b. Construction of buildings. Access roads and on-site hydrants shall be installed, operating and available prior to and during construction unless approved otherwise by the Fire Department.
- c. Fire apparatus access road widths shall adopt the Fire Department's access guidelines as adopted in the CFC Appendix D.
- d. Fire watch and fire apparatus access shall be provided per CFC Chapter 5 and Appendix C during all phases of construction, especially upon delivery of combustible construction materials at the site.
- e. All fire apparatus access roads shall not exceed 18%. The apparatus turnaround shall not exceed a 5% slope.

62. Additional Required Information on Final Map(s)

Prior to recordation, the Final Map prepared and submitted for each project phase shall include the following information, as applicable:

- a. All easements to be maintained shall be clearly indicated and easements to be abandoned shall be memorialized on the map by written notation of each easement to be abandoned, shown by reference to the recording data that created the easement.
- b. All existing utilities not intended for future use in the subdivision, and not serving other off-site areas shall be abandoned, and new utilities shall be established and dedicated as needed to serve on-site and off-site areas.
- c. The Fontaine Overpass approach ramp is within the property lines with a notation on the ALTA survey that abutters rights have been relinquished to the State of California. Prior to the recordation of the first Final Map, the parcel of land underlying and separated from the main portion of the site by Fontaine shall be offered for dedication to the State of California.
- d. Provide documentation to show that permission, conditioned or not, has been granted by EBMUD, or that there is no restriction or limitation, under the EBMUD easement, to the construction of the roadway and the proposed housing on the EBMUD tunnel easement (766 OR 472).
- e. The extension of Barcelona Street shall be designed and shown across APN 048-6870-002, from the Project boundary to the existing terminus of Barcelona Street, including an emergency vehicle access for public street and utilities purposes, and for the work necessary to accomplish these purposes.

63. Changes to the Vesting Tentative Tract Map

Ongoing

Any final map must substantially comply with the approved Vesting Tentative Tract Map (VTTM) per required findings. Significant changes to an approved VTTM shall require re-approval of the VTTM. Significant changes would be nonconformance with the Conditions of Approval for the VTTM as well as the following: increases in the lot count, reconfiguration of the site that alters the grading concept, road widths, road slopes that exceed Fire Department requirements, and major changes to creek parcel widths, or any change deemed significant by the City Surveyor and/or the Engineering Services Division. Minor changes to the approved VTTM shall be administratively approved by the City Surveyor and/or the Engineering Services Division prior to final map approval and recordation.

64. Street Lighting Plan and Photometric Analysis

Prior to issuance of a building permit or recordation of a Final Map for each Neighborhood or Project Phase, whichever occurs first:

- a. The applicant shall submit a detailed street lighting plan and photometric analysis for review and approval, with the improvement plans for construction of all new roadways. Planning Division review shall ensure that the lighting plan and photometric analysis comply with the requirements set forth in Mitigation Monitoring Program and in the Oak Knoll Design Guidelines.
- b. Construction documents shall meet the City of Oakland Public Works Agency Outdoor Street Lighting Standards.

65. Transportation - Installation of AC Transit Bus Stop and Shelter/Landscaping

- a. Improvement plans for the Mountain Boulevard/Creekside Parkway intersection shall incorporate design and development of a relocated bus stop and bus shelter. The location, design and specifications for the bus stop and shelter shall be to the satisfaction of the City of Oakland Transportation Services Division and AC Transit.
- b. The project Applicant and its successors shall landscape and maintain the parkway area of northbound Mountain Boulevard along the adjacent Project frontage. The parkway area is defined as the area between the back of curb shown on the VTTM and the Project property line and shall be considered part of the public street so long as the City of Oakland continues to own such right of way. The landscape improvements and maintenance obligations shall continue until such time that the City of Oakland no longer owns the right of way in whole or part in which the parkway is located. The landscape improvements shall be consistent with the existing landscaping along Mountain Boulevard.

66. Gated Entries

All roads and streets shall be dedicated to the City and accepted as public streets. As such, no such roads/streets shall be gated. Exceptions will only be granted for emergency vehicle access.

67. Barcelona Street Extension/Improvement as a Public Street

As shown on Exhibit E, the Applicant shall improve the “Barcelona Road Reservation” as a public street across APN 048-6870-002. This street shall run from the project boundary to a designated emergency vehicle access point to be located at the existing terminus of Barcelona Street. The improvements shall include tree removal, foundation removal, etc., to prepare the area for grading to create the roadbed, installation of utilities that are appurtenant to a public street, and installation of an appropriate emergency vehicle access gate or bollards. The City shall grant Applicant all access rights necessary for the installation of the improvements, including but not limited to an encroachment permit and shall maintain the street as a public street.

68. EBMUD and Right of Way Easements*Ongoing*

EBMUD owns and operates water supply tunnels and pipelines along the northern edge of the development site in the EBMUD right-of way (R/W 206 and R/W 1634) and property (506 and 217-A). The integrity of these tunnels and pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way and property would be subject to the terms and conditions determined by EBMUD including relocation of water mains and/or rights-of-way at the project sponsor's expense. The Community Park (North Neighborhood Park) to be developed by Oak Knoll on EBMUD property is subject to the execution of the land exchange between Oak Knoll and the District. If the land exchange does not occur, the applicant shall submit revised plans to exclude the EBMUD parcel from the North Neighborhood Park.

69. EBMUD Water Service

When development plans are finalized the applicant shall contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. The project applicant shall comply with the Landscape Water Conservation Section, Article 10 of chapter 7 of the Oakland Municipal Code. The applicant should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all applicable water-efficiency measures described in the regulation are installed at the project applicant's expense.

70. Open Space Dedication and Trail Construction*Prior to the recordation of the Final Map that contains the trails*

All areas designated as Open Space (VTTM Parcels A (the creek), B, D, E J and O) shall be dedicated to the City or the GHAD as set forth in Exhibit B. Prior to acceptance of open space parcels, all trails through these open space areas shall be constructed.

- a. Trail designs shall be based on the standards and practices of the East Bay Regional Park District for width and surfacing of multi-use trails, and shall include applicable ADA criteria
- b. Trails shall have a public access easements, restrictive covenant or other method to ensure ongoing and continued access for benefit of the public.

Creek Permit and Stormwater**71. Regulatory Agencies***Prior to issuance of a Grading Permit*

Consistent with SCAMMPR Condition of Approval, SCA GEN-1: Regulatory Permits and Authorizations from Other Agencies (#15), the project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies related to the creeks. If these permits necessitate changes to the design of the creek parcel, the Conditions regarding major and minor changes apply and might necessitate re-review.

72. Final Stormwater Control Plan

Prior to issuance of a Grading Permit

The Final Stormwater Control Plan, including narrative, shall be submitted for approval prior to the issuance of the Grading Permit. The treatment devices shall be located in accordance with the VTTM.

73. Creek Maintenance

After Creek Restoration and Ongoing

Upon sign off of the creek restoration by the Regulatory Agencies, the project applicant and successors shall submit a creek maintenance plan to ensure the successful and ongoing long-term maintenance of the creek parcels including the creek channel, and banks, stability, erosion, and infrastructure (bridges, culverts, stormwater facilities, etc.) Long term creek maintenance shall be guaranteed through the formation of a Geologic Hazard Abatement District or other means approved by the Bureau of Planning, Engineering Services and Watershed Division.

74. Trash Capture Devices

Requirement: Plans shall be submitted for review and approval by the Director of Public Works or his/her designee that show a full trash capture device installed at all private storm drain inlets or catch basins located on the property and on the public storm drain inlets in adjacent right of way area(s) – as applicable. The plans shall show the design of the device and must meet requirements of the Regional Water Quality Control Board for full trash capture. The applicant shall install these devices according to the approved plans.

When Required: Plans shall be approved prior to approval of any construction-related permit. Installation shall be completed prior to issuance of certificate of occupancy or final permit approval.

Initial Approval: City Engineer or Designee

Monitoring/Inspection: Owner of private storm drain must maintain the full trash capture device in accordance with the requirements in the Municipal Regional NPDES Permits. Records of Inspections and maintenance must be made available to the City upon request.

Upon pre-approval of the City, project applicant may pay an annual fee to maintain devices installed in the public right-of-way.

75. Stormwater Treatment Devices

Prior to issuance of a building permit

In the event stormwater pollution prevention control devices shown on the approved vesting tentative map do not qualify as FTC devices, prior to approval of the first Final Map submittal or issuance of related construction permits, the design for stormwater pollution prevention control devices must meet C.3 requirements and include separate trash capture devices. All storm drainage improvements shall be designed and constructed to meet C.3 requirements to the satisfaction of the City Engineer. To “qualify” as FTC devices, the device design must receive approval from the Water Board.

Tree Permit

76. Tree Permit (T1500124) and Removal by Phase

Prior to issuance of building permits

A Tree Removal/Preservation permit application shall be approved by the Tree Services Division for removal or preservation of all protected trees on the site and adjacent properties. The applicant shall abide by all Conditions of Approval of that permit.

77. Tree Relocation

Prior to issuance of a grading permit

The applicant shall retain a qualified arborist to survey the project site and identify 20 mature oak trees that shall be transplanted. The arborist shall submit a report for review and approval that includes the following information: trees to be relocated, removal procedures, storage area for the trees, watering and care during the timeframe that the trees are out of the ground, transplant procedures, and care and timeframe of care to ensure the tree survival. The arborist report shall be submitted to the Bureau of Planning for review and approval. The trees shall be located in the Village Center, around Club Knoll and at the main entrances.

Other

78. Pre-Construction Meeting with the City

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

A pre-construction meeting shall be held with job inspectors and the general contractor/on-site project manager with the City’s project building coordinator to conform that conditions

of approval that must be completed prior to issuance of a grading, demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.) The project applicant will coordinate and schedule this meeting.

79. Transportation and Parking Demand Management

The Project applicant has submitted a final master Transportation and Parking Demand Management (TDM) Plan. The subsequent merchant builders and successor's will submit a final plan noting the specific TDM measures, implement the plan, and achieve the required twenty percent (20%) vehicle traffic reduction (VTR) and reduced parking demand generated by the project. The TDM Plan indicates the estimated VTR for each identified strategy based on published research or guidelines where feasible.

80. Native American Tribal Monitor

During creek grading

At least seven days before ground-disturbing activities in the creek corridor are scheduled to begin, one tribal monitor of the choosing of the tribes that have expressed interest in the Project shall be invited to monitor such ground-disturbing activities, and shall be afforded the opportunity to monitor such activities if the tribal monitor chooses to be present. If there is a change in the construction schedule or an unscheduled need to undertake a ground-disturbing activity in the creek corridor, the tribal monitor shall be notified as soon as feasible.

Exhibits to Conditions of Approval

Exhibit A: Equivalent Housing Unit Summary

Exhibit B: Oak Knoll Ownership and Maintenance Matrix

Exhibit C: Project Phasing Diagram

Exhibit D: Phase 1 Diagram

Exhibit E: Extension of Barcelona Street

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date