

Location:	38,174 square-foot lot located in the Uptown project area, on the block surrounded by San Pablo Avenue to the west, 19th Street to the north, Telegraph Avenue to the east, and 18th Street to the south. (Parcel Map 8686)
Proposal:	Construction of a mixed-use project with up to 80 affordable rental residential units, childcare (2,364 sf), children’s museum (1,343 sf), 72 structured parking spaces, and a portion of a future public mid-block mews.
Project sponsor:	Resources for Community Development
Owner:	City of Oakland Redevelopment Agency
Case File Number(s):	CMDV06042; ER03-0007.
Planning Permits Required:	Major CUP, Minor Variance.
General Plan:	Central Business District
Zoning:	C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone /S-17 Downtown Residential Open Space Combining Zone
Environmental Determination:	The EIR for this project was certified on February 18, 2004 by the Planning Commission.
Historic Status:	Site includes no permanent structures (currently occupied by temporary structures for School for the Arts).
Service Delivery District:	I – Downtown/West Oakland/Harbor
City Council District:	3
Status:	DDA approved in 2005; Parcel Map approved in 2005; EIR certified in 2004; EA under federal consideration.
Action to be Taken:	Consider approval of Design Review, Major CUP, Minor Variance. Confirm applicability of Uptown Mixed Use Project EIR.
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Catherine Payne at (510) 238-6168 or by email at lwarnar@oaklandnet.com

SUMMARY

The purpose of this report is to recommend approval of the proposed Fox Courts Apartments project (Fox Courts). Fox Courts is the affordable residential component of the Uptown project, and includes 80 affordable rental residential units, a childcare facility, MOCHA Annex (a children’s museum), and 72 parking spaces below grade. Staff recommends approval of the project with the attached conditions of approval.

Site plan here.

BACKGROUND

Disposition and Development Agreement

The project site is located in a redevelopment area and is a subject to a Disposition and Development Agreement (DDA). On November 15, 2005, the Oakland Redevelopment Agency (ORA) authorized a DDA between ORA and Resources for Community Development to allow redevelopment of the subject site. Key terms of the DDA include the following:

- Sale of properties merged under Parcel Map 8686 by ORA to the applicant.
- The applicant will develop at least 80 residential units, with 79 units affordable to 60 percent of adjusted mean income or lower.

The current application is consistent with the terms of the DDA. The application includes 80 residential units, approximately 5,000 square feet of community (daycare and MOCHA) space, and on-site parking, consistent with the requirements of the DDA.

Landmarks Preservation Advisory Board

The Landmarks Preservation Advisory Board (LPAB) reviewed the project twice, on December 12, 2005 and January 9, 2006, specific to review of the Environmental Assessment (EA) under the National Environmental Protection Act (NEPA). Because Fox Courts will receive federal funding, the project is subject to the NEPA environmental review process. An EA is currently being prepared, and as part of that process, the LPAB was asked to make findings specific to Section 106 of the National Historic Preservation Act, which requires an assessment of how any federally funded project affects historic resources. Although the LPAB was able to make the required findings of no significant impact, board members expressed concern about the design of the exterior building facades. Specifically, board members found the facades to be disorganized and overly busy.

PROPERTY DESCRIPTION AND SURROUNDING AREA

The project site is located near downtown Oakland, in the middle of the block bounded by San Pablo Avenue to the west, 19th Street to the north, Telegraph Avenue to the east and 18th Street to the south (Parcel Map 8686). The site has frontages on both 18th and 19th Streets and is located behind the historic Fox Theatre property. The site is currently occupied by temporary structures comprising a portion of the School for the Arts. The surrounding area includes a mix of commercial, residential, and civic uses.

PROJECT DESCRIPTION

The Fox Courts project occupies a 38,174 square foot lot with frontages on both 18th and 19th Street. The project is a predominantly residential mixed-use development that includes childcare and a children's museum, with related on-site open space, parking, and public improvements. Specific components of the project include the following (and are shown in Attachment A: Project Plans):

- *Site Planning:* Fox Courts is comprised of five connecting four-story buildings above a parking podium organized around two internal courtyards. Main access to the project is as follows: Two primary residential entrances (one on 18th Street, and the other on 19th Street); MOCHA Annex (the children's museum) is accessed from the mews (see below); and the childcare facility is accessed from 19th Street. Community gathering spaces (including a teen center and general use lounges) are located on the first, second, and fourth floors. Parking access is from a single entry point on 18th Street.
- *Mews:* Fox Courts is located immediately east of a future public midblock pedestrian passage (mews). The project includes a five-foot area along its western property line that is designed to accommodate and provide a seamless transition to the mews. This area is designed with benches, planting materials and other site furnishings that would be accessible by the public. The mews will be maintained as an easement for public access and will be maintained by the underlying property owners (RCD, in this case).
- *Building Design:* The building design is contemporary modern with primary planes on all three public sides (18th Street, mews, and 19th Street) and recesses and projections of different materials. The buildings have flat roofs at various levels, breaking down the massing as the buildings rise in height. Primary materials include stucco, concrete, siding and metal. Artistic details including tile bands, building signage, metal railings and sun shades. Details are intended to complement the Fox Theater distinctive 1930's style.
- *Residential Units:* Fox Courts includes 80 residential units, with a wide range of configurations and bedroom counts, including loft-style and multi-story units, ranging from studio flats to four-bedroom units. Ground-floor units are accessed from the exterior and from the courtyards, while above-ground floor units are accessed from breezeways facing the courtyards.
- *Usable Open Space:* Fox Courts provides 13,374 square feet of usable open space provided in two large courtyards, recessed balconies and decks, and in the mews.
- *Parking and Loading:* Fox Courts provides basement-level (with one-half story above grade) parking for 72 automobiles, and includes an on-street loading space to be used both for daycare drop-off and move-ins (approved by Public Works Agency Transportation Services Division).

GENERAL PLAN ANALYSIS

The General Plan designation for the Fox Courts site is Central Business District, which is intended as a high-density mixed-use urban center. The maximum floor area ratio (FAR) allowed by this designation is 20.0, and the proposed FAR is approximately 3.5. Thus the proposed project, which includes 134,424 square feet, falls well within the maximum allowable FAR. The General Plan states that the desired character and uses in the district include a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The proposed residential and community uses are consistent with the General Plan.

Land Use and Transportation Element of the General Plan

The General Plan Land Use and Transportation Element (LUTE) includes the following specific policies (identified in bold text) that are applicable to the Fox Courts Project (analysis of how the project supports the policies is provided in indented, italicized text):

I/C3.4: Strengthening Vitality. The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

The project includes high-density residential uses adjacent to the downtown area. This use expands and strengthens the market for commercial, entertainment and employment land uses in the vicinity. In addition, the affordable character of the residential use, as well as the childcare and museum uses diversify land uses in the downtown area and make it possible for below-median income residents to live in and contribute to the vitality of downtown Oakland.

I/C3.5: Promoting Culture, Recreation, and Entertainment. Cultural, recreational, and entertainment uses should be promoted within the Downtown, particularly in the vicinity of the Fox and Paramount Theaters, and within the Jack London Square area.

The project includes moderate-density residential uses near the Fox and Paramount Theaters. This use expands and strengthens the audience for cultural, recreation and entertainment activities in the area. The MOCHA Annex will bring a new cultural use to the area, as well.

Policy I/C4.1: Protecting Existing Activities. Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the city should be protected from the intrusion of potentially incompatible land uses.

The existing School for the Arts is a temporary use of the site and will move to the renovated Fox Theater upon completion. The proposed project would not displace that or any other use.

Policy T2.1: Encouraging Transit-Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.

The project includes high-density residential and community uses located within one-quarter mile of AC Transit bus stops serving both regional and local bus lines and the BART 19th Street station, thereby serving this regional transportation mode.

Policy T2.2: Guiding Transit-Oriented Development. Transit-oriented development should be pedestrian-oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

The project includes daycare and a children's museum, which will both complement the new Uptown public park to be located immediately across the street from the project on 19th Street.

Policy T2.3: Promoting Neighborhood services. Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.

The project includes daycare to serve the growing residential population in the downtown and is within close proximity to BART and AC Transit. The proposed uses enhance the existing commercial district in the project vicinity.

Policy T2.3: Linking Transportation and Activities. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (i.e., hospitals, parks, or community centers).

The project involves intensifying housing opportunities near existing transit and transportation facilities, including BART, AC Transit and Interstate 880.

Policy D5.1: Encouraging Twenty-Four Hour Activity. Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

The project provides residential uses adjacent to the downtown area. Proposed residential activities will complement existing commercial and cultural activities in the downtown and immediate vicinity for which there is otherwise no audience during non-work hours. In addition, residential activities will encourage pedestrian traffic to and from the project at all hours of the day and all days of the week.

Policy D10.1: Encouraging Housing. Housing in the downtown should be encouraged as a vital component of a 24-hour community presence.

The project would provide 80 units of affordable housing in the downtown area.

Policy D10.2: Locating Housing. Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

The project would provide 80 units of affordable housing within one-quarter mile of the 19th Street BART station.

Policy D10.6: Creating Infill Housing. Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts.

The project would provide 80 residential units in mid-rise buildings similar to the surrounding area and complementary to the nearby high-rise downtown district.

D11.1: Promoting Mixed-Use Development. Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures.

The proposed project is a predominantly residential mixed-use project that includes community and cultural uses. The proposed uses enhance the existing diverse character of the area by increasing the market for existing commercial, entertainment and employment uses in the area.

Policy N3.2: Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

The proposed project is located within a completely urbanized area and constitutes residential infill development within Oakland.

Policy N8.1: Development of Transit Villages. “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transit facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

The proposed project is a multi-story residential mixed-use project located near BART and AC Transit and is consistent with the “Transit Village” terminology.

ZONING ANALYSIS

The proposed project site is located within two zoning districts: the northern half of the project site facing 19th Street is designated C-51 Central Business Service Commercial/S-17 Downtown Residential Open Space Combining Zone; and the southern half of the site facing 18th Street is zoned C-55 Central Core Commercial Zone/S-17 Downtown Residential Open Space Combining Zone. Both zoning district combinations allow the proposed residential and cultural uses. The maximum FAR allowed under both zoning classifications is 7.0.

The Fox Courts proposal includes the following applications: a Major Conditional Use Permit is required for development greater than 100,000 square feet in the C-51 district; and, a Minor Variance is required for open space, parking and loading deficits.

Table 1: Comparison of Fox Courts Project to Development Standards

Development Standards	Applicable Zoning Regulations		Proposal	Comments
	C-51/S-17 District	C-55/S-17 District		
Land Use	A variety of residential, civic, commercial and light manufacturing uses are allowed.	A variety of residential, civic, commercial uses are allowed.	80 units Multifamily Residential; 3,500 sf community education and nonassembly cultural civic located entirely within the C-51 portion of the site	All proposed uses are permitted;
Floor Area Ratio/Residential Density	7 FAR / 1 d.u. per 150 sf. lot area	7 FAR / 1 d.u. per 150 sf. lot area	3.5 FAR over entire site; 1 d.u. per 477 sf. lot area	Within allowable FAR
Front Yard	None required unless adjacent to residential zone	None required unless adjacent to residential zone	N/A	Site not adjacent to residential zone
Street Side Yard	None required unless lot to rear is in residential zone	None required unless lot to rear is in residential zone	N/A	Lot to rear is not in residential zone
Interior Side Yard	Required opposite legally required windows, except when abutting a path	Required opposite legally required windows, except when abutting a path	5' setback on western site boundary (mews); no setback on eastern side (not opposite legally required windows)	Complies with regulations;
Courts	Required opposite legally required windows – 50'		36' to >40'	Requires variance
Rear Yard	15'	15' (residential use)	N/A	No rear yard requirement since site is a through lot
Building Height	No maximum height unless adjacent to certain residential zones	No maximum height unless adjacent to certain residential zones	48'-6" (max)	Site not adjacent to residential zones so no maximum height is prescribed
Open Space	75 s.f./unit	75 s.f./unit	Provides 13,374 sf. usable open space (167 sf/d.u.); Only 4,732 sf. Complies with dimensional requirements (59 sf/d.u.)	Exceeds spatial requirement (calculation does not include proposed City park); Does not meet dimensional requirements. Variance required.
Parking	1 space/residential unit; 1 space/3 employees for childcare; spaces required when nonassembly cultural exceeds 10,000 sf.	1 space/residential unit	64 residential spaces (80 req.); 2 childcare spaces (5 req.); 6 MOCHA spaces (0 req.)	Minor Variance required for deficit of parking; Variance from dimensional standards (using S-12 standards). (Planning Code Sections 17.116.060, 17.116.080, and 17.116.120)
Loading	1 residential loading berths; none required for commercial space	1 residential loading berths	0 loading berths; 1 off-site loading space to be provided on 19 th Street for move-ins and childcare drop-off (approved by Public Works Agency Transportation Division)	Minor Variance required for deficit of 1 loading berth
Bicycle Parking	1 space/4 d.u. (long-term)	1 space/4 d.u. (long-term)	Not indicated on plans.	Condition of Approval to require provision of adequate bicycle parking

	1 space/15 d.u. (short-term)	1 space/15 d.u. (short-term)		space.
Minimum Lot Size	4,000 sf; 25' street frontage	4,000 sf; 25' street frontage	Parcel is 38,174 sf	Complies with regulations
Recycling Space	2 cubic feet of space per unit, and per 1,000 square feet of commercial space	2 cubic feet of space per unit, and per 1,000 square feet of commercial space	Every floor includes a trash and recycling area	Condition of Approval to require provision of adequate recycling space (160 cf).

ENVIRONMENTAL REVIEW

The City of Oakland Planning Commission certified the Uptown Mixed Use Project EIR on February 18, 2004. On November 15, 2005, the Oakland Redevelopment Agency adopted Resolution No. 2005-0067 authorizing approval and execution of the DDA governing this project and finding that the Uptown Mixed Use Project EIR was prepared and certified in compliance with the California Environmental Quality Act (CEQA). The current proposal involves Block 5 of the project evaluated in the EIR. The EIR identified several impacts and mitigation measures which have been incorporated to lessen or eliminate the potential environmental impacts of the project. These are described in the Mitigation Monitoring and Reporting Program (MMRP) in Chapter VI of the Responses to Comments document and are summarized as follows:

Significant, Unavoidable Impacts

The following significant unavoidable project impacts were identified in the DEIR. Revisions to the mitigation measures for Impact AIR-2, Impact HIST-4a, and Impact HIST-8 were included in the Responses to Comments document.

AIR QUALITY

Impact AIR-2: (DEIR pages 157 to 159) - The project would result in increased regional emissions of criteria air pollutants exceeding BAAQMD thresholds, primarily from increased traffic. Implementation of the identified mitigation measures would minimize this impact, but would not reduce it to a less-than-significant level.

HISTORIC RESOURCES

Impact HIST-4a, HIST-4b, HIST-5, and HIST-8: (DEIR pages 222 to 225, and 226 to 227) - The project may entail site clearance, modification, or full or partial demolition of the Great Western Power Company Building, which is a local historic resource. In addition, project demolition and construction could result in a significant cumulative impact on the 19th and San Pablo Commercial district of the identified mitigation measures would reduce these impacts, but may not reduce them to a less-than-significant level. Note that Mitigation Measures HIST-8a and HIST-8b have been

expanded in the FEIR to address comments received about the 19th and San Pablo Commercial District.

TRANSPORTATION

Impacts TRANS-3 and TRANS-11: (DEIR pages 124 to 125, and 133 to 134) – The project would increase the delay at the Frontage Road/West Grand Avenue intersection by two or more seconds under both Year 2010 and Year 2025 conditions. Because this intersection is under the jurisdiction of Caltrans and intersection improvements are not economically feasible, these are considered significant and unavoidable impacts.

Significant Impacts Which May be Mitigated to a Less Than Significant Level

The following significant project impacts which may be mitigated to a less-than-significant level were identified in the DEIR. Revisions to the mitigation measures for Impact HIST-2 were included in the Responses to Comments document.

AESTHETIC RESOURCES

Impacts AES-1 and AES-2: (DEIR pages 243 to 258) - The project would alter the architectural character of the site and would provide additional sources of nighttime lighting. (Mitigation: Implementation of measures to minimize the visual impacts of the design and measures to reduce light and glare would reduce the impacts to a less-than-significant level.)

AIR QUALITY

Impact AIR-1: (DEIR pages 155 to 157) – Construction activities associated with the project would generate short-term emissions of criteria pollutants. (Mitigation: Implementation of measures to reduce construction emissions would reduce the impacts to a less-than-significant level.)

HAZARDOUS MATERIALS

Impacts HAZ-1, HAZ-2, HAZ-3, HAZ-4, and HAZ-5: (DEIR pages 187 to 192) – Construction activities associated with the project could entail exposure to hazardous materials. (Mitigation: Implementation of measures which require adherence to existing hazardous materials regulations and development of a site-specific health and safety plan and a soil and groundwater management plan would reduce the impacts to a less-than-significant level.)

HISTORIC RESOURCES

Impacts HIST-1, HIST-2, HIST-3, HIST-6, and HIST-13: (DEIR pages 219 to 221, 225 to 226, and 230) – Construction activities and project design may result in impacts to paleontological, archaeological, and architectural resources. (Mitigation: Implementation of measures to develop pre-construction archaeological testing and construction-period monitoring plans, documentation of potential designated historic properties proposed for demolition, and review of streetscape design for

compatibility with historic resources would reduce the impacts to a less-than-significant level.) Note that Mitigation Measures HIST-2a and HIST-2b have been expanded in the Responses to Comments document to address comments received about the potential historic Chinese settlement in the Uptown area.

HYDROLOGY

Impacts HYD-1, HYD-2, and HYD-3: (DEIR pages 81 to 84) – Construction activities and project operation could result in water quality impacts. (Mitigation: Implementation of measures to develop a stormwater pollution prevention plan and compliance with the requirements of the stormwater management plan would reduce the impacts to a less-than-significant level.)

NOISE

Impacts NOISE-1, NOISE-2, and NOISE-3: (DEIR pages 169 to 176) – Construction activities, off-site traffic, and on-site noise could result in exposure to increased noise levels. (Mitigation: Implementation of measures to reduce short-term construction and long-term operational noise would reduce the impacts to a less-than-significant level.)

TRANSPORTATION

Impacts TRANS-1, TRANS-2, TRANS-4, TRANS-5, TRANS-6, TRANS-7, TRANS-8, TRANS-9, TRANS-10, TRANS-12, TRANS-13, TRANS-14: (DEIR pages 123 to 124, and 131 to 135) – An increase in vehicle traffic from the project in Year 2010 and Year 2025 conditions could result in increased vehicle delay at several intersections. (Mitigation: Implementation of measures to optimize signal timing and coordination, as well as lane restriping, at these intersections would reduce the impacts to a less-than-significant level.)

WIND

Impact WIND-1: (DEIR page 261) – Construction of 19-story buildings on Blocks 5 and 7 could result in high wind speeds. (Mitigation: Implementation of measures to incorporate wind speed reduction features into the design would reduce the impacts to a less-than-significant level.)

KEY ISSUES

The proposed Fox Courts project would increase affordable residential land uses near downtown Oakland. This project represents a positive land use addition to the area. The proposed contemporary style and artistic details would also be an asset to the area, providing a joyful architectural statement in a rapidly developing neighborhood. The size and scale of the project provide an appropriate sense of density and community presence in this underdeveloped area.

Staff has worked very closely with the project proponent to respond to the LPAB concerns identified earlier in this report and to finesse the exuberant style of the project prior to Planning

Commission consideration. Staff has been consistently supportive of the site plan and building layout for this project. However, early concerns about the façade designs resulted in an iterative design process that has yielded a competent, organized visual effect that staff supports.

Outstanding Issues:

- *Design Review*: The Fox Courts project was initially scheduled to appear before the Design Review Committee of the Planning Commission (DRC). However, due to DRC scheduling conflicts, the project was removed from the DRC agenda. In light of this situation, staff conducted extensive design review throughout the project review period. The applicant ultimately revised the project three times to respond to staff comments. As stated previously, staff concern focused on the three public exterior facades. The original façade designs were not cohesive and had competing themes. The ultimate design solution, while still richly detailed, is cohesive and has obvious vertical and horizontal patterns and groupings that make aesthetic sense. The design includes a primary stucco plane punctuated with rhythmic groupings of metal and siding penetrations (balconies, windows and entries), and height and overhang markers at each end of the façade. Main entries are marked by strong vertical elements. Horizontal bands of art tile mark the base and top of the building. The facades now have strong horizontal and vertical elements that mark the base, middle, cap and ends of the buildings.
 - Staff recommends including a condition of approval requiring staff level review of final design iteration prior to issuance of building permit in order to ensure continued evolution of the design. In addition, this condition of approval can address any issues identified by the Planning Commission in its consideration.
- *Variances*: This project is subject to a request for minor variances from the Oakland Planning Code for the following project components:
 - *Courts*: The project is organized around two ground-floor courtyards that do not meet the required 50-foot distance between legally required windows. The courtyards are 41-feet wide.
 - Staff supports the variance request due to the small size of the lot and the complex program for the project. The courtyards are an asset to the densely developed project, and provide both open space and light and air for residential units.
 - *Usable Open Space*: Although the project provides ample usable open space (13,374 square feet or 167 square feet per dwelling unit), exceeding the 75 square feet per dwelling unit minimum, much of the open space does not meet the dimensional requirements established in the S-17 district regulations. Only 4,732 square feet (59 square feet per unit) of open space also meet the dimensional requirements.
 - Staff supports the variance request due to the ample overall square footage and design of usable open space in the project. This urban project provides a range of well-designed open space opportunities, including the mews frontage, courtyards, roof deck and recessed private terraces. In addition, the project is directly across 19th Street from the future Uptown public park.

- *Parking:*
 - Parking Quantity: The project includes 72 parking spaces to accommodate 80 residential units and 3,500 square feet of community assembly space. The project has a deficit of 13 parking spaces.
 - Staff supports the variance request because of the projects' proximity to mass transit (BART and AC Transit bus lines are located within one-quarter mile of the site) and its' convenient downtown location. In addition, the developer is able to demonstrate a reduced need for on-site parking based on the affordability of the units.
 - Dimensional Standards: The applicant requests a variance to design the parking facilities to the S-12 overlay district standards. These standards provide for a larger ratio of compact to standard size spaces and provide for smaller parking stall and related dimensions than do the City's standard regulations.
 - Staff supports the variance with a condition of approval requiring a limitation of use put on the project restricting standard size vehicles from compact spaces.
- *Loading:* The project includes no on-site loading, although one space is required.
 - *Staff supports the variance request with a condition of approval requiring that move-in loading and daycare drop-off be provided on 19th Street. This has been approved by the Public Works Agency Transportation Services Division.*

RECOMMENDATION

Staff believes that the proposed project has been well designed and has addressed most of the issues that have been raised throughout the review process. The project will redevelop an underutilized site with an active mix of residential and community uses, and will enhance the link between downtown and mixed-use neighborhoods to the north.

Based on the analysis contained within this report, the Uptown Mixed Use Project EIR, and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed mixed-use project. The proposed project will further the overall objectives of the General Plan, particularly related to providing new infill housing in close proximity to transit. Thus, staff recommends that the Planning Commission:

1. Find that the Planning Commission has independently reviewed, analyzed, and considered the EIR prior to acting on the approvals. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the Planning Commission confirms that the Uptown Mixed Use Project EIR can be applied to this set of proposed actions; and

2. Adopt the attached Conditions of Approval for the proposed project including the Mitigation Monitoring and Reporting Program. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the MMRP. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility as set forth in the conditions of approval and the MMRP; and
3. Approve the Design Review, Conditional use Permit and Variance applications subject to the attached findings and conditions of approval.

Prepared by:

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Planner IV

Approved for forwarding to the City Planning
Commission:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS

- A. Project Plans and Elevations
- B. LPAB Reports dated December 12, 2005, and January 9, 2006, respectively
- C. DDA Resolution

FINDINGS FOR APPROVAL

This proposal meets the required findings under Oakland Planning Code 17.136.070 (Design Review Criteria), 17.134.050 (Conditional Use Permit Criteria) and 17.148.050 (Variance Criteria), as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report, the Uptown Mixed Use Project EIR and elsewhere in the record.

Section 17.136.070 (Design Review Criteria):

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

The proposed project includes mid-rise buildings, four stories in height. The buildings will complement the surrounding area in terms of setting, scale, bulk, height, materials and textures. The surrounding area contains a mix of residential, commercial, and civic uses in buildings ranging in height and type.

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

The development of the mixed-use project will enhance the desirability of this part of the downtown area by adding new housing units and community assembly space. The design of the proposed project is attractive and will serve to enhance the character of this area of Oakland.

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

The project will not affect the topography or landscape of the area. The site is an underutilized, flat, infill site. Street trees are proposed along the street frontages and interior landscaped courtyards will be provided.

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

The proposed project will be located on a flat infill site and will not on a hill.

- 5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

The proposed project is consistent with the General Plan land use designations for the site as discussed above and elsewhere in this staff report. The project is consistent with the design goals and policies of the General Plan by providing high density, well designed housing in a location with good access to BART and other forms of mass transit. The project is generally consistent with the Planning Code as previously discussed.

Section 17.134.050 Conditional Use Permit

The findings below apply to the following Conditional Use Permits (CUP): A CUP is required for a project of over one acre in size (Section 17.134.020).

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The location, size, design, and operating characteristics of the proposed project will be compatible with the surrounding area, which contains a mix of residential, commercial, and civic uses. The proposed four-story buildings are an appropriate scale and height for the location. The design of the project is attractive and complements the design, scale and character of other buildings in the area. The project site is located in an urban infill area, therefore, utilities and service systems are available to serve the proposed project.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The location, design, and site planning of the proposed project will provide a convenient and functional living environment. The massing and design of the project is appropriate for the location and setting in an area with a wide range of land uses and building scale, as well as close proximity to the 19th Street BART station near which higher-density residential development is encouraged by City policy.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposed project will add up to 80 new residential units to Oakland's housing stock and will replace vacant single-resident occupancy units that are in poor condition. Providing infill, transit-oriented development is a key goal of the General Plan. The General Plan envisions fairly high density housing in this area which would be achieved on this site by mid-rise residential development. Additionally, this project may be a catalyst for additional

mixed-use development in the vicinity of the 19th Street BART station which would further enhance and revitalize the basic community functions of this area.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

The proposed project conforms to all applicable design review criteria (see Section 17.136.070 below).

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposed project conforms to numerous policies of the General Plan related to creating new transit-oriented development, as specified in this staff report. The project complies with the intent of the subject land use classifications by providing a range of residential, recreation, and commercial uses. The project is also consistent with the existing zoning classifications for the site.

Section 17.148.050 (Variance Criteria):

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

The minor variances will allow an effective design solution which meets the intent of the zoning regulations by ensuring that adequate open space, parking and loading areas are provided to serve the proposed project. Meeting all of the parking and loading requirements would entail expanding the size of the parking garage. This, in turn, would substantially reduce the size of many units, raise the first level living one story above the street, and would make the project financially infeasible according to the project sponsor. Moreover, provision of more parking will be contrary to the City's Transit First Policy. The project provides ample square footage and types of usable open space but does not meet the dimensional standards. Proximity to a new public park and the large courtyards fulfills the intent of the open space regulations.

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

Strict compliance with the regulations would preclude an effective design solution as adequate provisions have been made to ensure that the intent of the court, open space, and

parking and loading requirements will be met, even if the specific code requirements are not, especially in this transit-rich area adjacent to a new public park.

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

Granting the variances will not adversely affect the character, livability, or appropriate development of the abutting properties or the surrounding area. The intent of the zoning regulations will be met through the provision of ample open space square footage and adequate off-street parking to serve the building in this transit rich area.

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

Although the project does not fully comply with the court, open space, and parking and loading requirements, the intent of these requirements will be met in this transit rich area. Adequate parking and loading spaces are provided to serve the residential units, and sufficient on- and off-street parking spaces are available in the immediate vicinity to serve the small amount of neighborhood-serving commercial space. Open space is well planned and designed, and the project will be able to take advantage of proximity to the new Uptown public park.

California Environmental Quality Act

The City hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no “new information of substantial importance” as described in CEQA Guidelines Section 15162(a)(3).

CONDITIONS OF APPROVAL
Fox Courts Apartments
CMDV06042, ER03-0007

1. Approved Use

a. Ongoing

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

1. Approval of a Conditional Use Permit (“CUP”) for the Fox Courts Apartments Project as set forth in the Project Plans, and as modified by these Conditions of Approval under Section 17.140 of the Oakland Planning Code.
2. Approval of Design Review under Section 17.136 of the Oakland Planning Code.
3. Approval of a Minor Variance under Section 17.148.050 of the Oakland Planning Code.

b. Ongoing.

The project shall be constructed and operated in accordance with the authorized uses as described in this staff report and the attached plans and as amended by the following conditions of approval. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

2. Effective Date, Expiration, and Extensions

a. Ongoing through project completion.

These approvals shall become effective upon satisfactory compliance with these conditions. The approvals for the Fox Courts Apartments Project shall expire on February 25, 2008 unless actual construction has begun under required permits by this date. Upon written request and payment of appropriate fees prior to the expiration of the approvals, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the Planning Commission.

b. Prior to issuance of building permit

The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable conditions of approval contained herein. The plan shall also include the following additional measures and standards:

- a. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.

- b. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.
- c. A plan to provide temporary access to any leasable space during active construction activities, including path of travel, securing the active construction areas and parking, if relevant.
- d. A construction litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.
- e. A traffic management plan (to be submitted to and reviewed by the Public Works Agency Transportation Services Division), which shall include, without limitations, provisions for off-site parking for construction contractors and staff.

c. Prior to issuance of certificate of occupancy.

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off-site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

3. Scope of This Approval

a. Ongoing.

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

4. Mitigation Monitoring and Reporting Program

All mitigation measures identified in the Uptown Mixed Use Project EIR are included in the Mitigation Monitoring and Reporting Program (MMRP) which is included in these

conditions of approval and are incorporated herein by reference as conditions of approval of the project. The MMRP, in certain instances, has been further refined and/or clarified by the conditions of approval contained herein. To the extent that there is an inconsistency between the MMRP and the conditions, the conditions shall govern. The project sponsor shall be responsible for compliance with all applicable mitigation measures adopted and with all conditions of approval set forth below at their sole cost and expense. The MMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division.

CONDITIONS OF APPROVAL

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
HYDROLOGY AND WATER QUALITY						
<p>HYD-1: The project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document to provide measures to mitigate significant water quality impacts associated with implementation of the project. The SWPPP shall include specific and detailed Best Management Practices (BMPs) required to mitigate significant construction-related pollutants. These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the storm water quality protection effort will be the education of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. City of Oakland personnel shall conduct regular inspections to ensure compliance with the SWPPP.</p> <p>BMPs to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased when grading occurs during the rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Access to and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment (this BMP is particularly important since much of the earthwork will involve loading trucks for off-site transport of soil excavated for the below-ground parking structures). Vehicle and equipment wash down facilities shall be designed to be accessible and functional both during dry and wet conditions.</p> <p>The SWPPP shall be reviewed for completeness by the City of Oakland, Public Works Agency, Environmental Services Division prior to approval of grading plans.</p>	<p>Project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which includes specific and detailed Best Management Practices (BMPs). The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<ol style="list-style-type: none"> 1) Review the SWPPP for completeness. 2) Conduct regular inspections to ensure compliance with the SWPPP. 	<ol style="list-style-type: none"> 1) Prior to the approval of grading plans for each project phase. 2) Regularly throughout the project construction period (as deemed appropriate by the Public Works Agency). 	<ol style="list-style-type: none"> 1) No approval of grading plans. 2) City issues corrective action or stop work order if compliance with SWPPP does not occur. 	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HYD-2: The project sponsor shall comply with the requirements of the 2003 Alameda County <i>Stormwater Management Plan</i> and/or the Regional Water Quality Control Board (RWQCB) Revised Order 01-024 (NPDES Permit No. CAS029718), as appropriate, based on the timing of construction. As applicable, the project sponsor shall incorporate measures to mitigate potential degradation of runoff water quality from all portions of the completed development, including roof and sidewalk runoff. The final design team for the project should include all applicable measures from <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i>, which may include, but not be limited to pervious pavements, hybrid parking lots, vegetated swales, biofilters, roof drainage to landscaped areas, minimization of directly connected impervious surfaces, and infiltration islands.</p> <p>The project compliance with requirements for post-construction stormwater controls shall be reviewed by the City of Oakland, Public Works Agency, Environmental Services Division prior to approval of grading plans.</p>	<p>Project sponsor shall comply with the requirements of the 2003 Alameda County <i>Stormwater Management Plan</i> and/or the RWQCB Revised Order 01-024 (NPDES Permit No. CAS029718), as appropriate. This compliance shall include the incorporation of all applicable measures from <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i> designed to improve the quality and reduce the quantity of runoff from the project site, as detailed in the mitigation measure. The measures shall be detailed in the permitted grading and building plans.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review final project plans to ensure compliance with the applicable requirements for post-construction stormwater controls.</p>	<p>Prior to the approval of grading and/or building plans for each project phase.</p>	<p>No approval of a grading or building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p>HYD-3: The SWPPP shall include requirements for the proper management of dewatering effluent as necessary to mitigate significant impacts to the environment. At minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. Alternatively, effluent can be hauled off-site by tanker truck for disposal. Based on the historical land uses at the project site and groundwater sampling of the existing network of monitoring wells, it is possible that groundwater underlying each of the parcels has been impacted by chemical releases. All dewatering effluent will be analyzed by a State-certified laboratory for the suspected pollutants (at minimum, petroleum hydrocarbons, solvents, and metals) prior to discharge. Based on the results of the analytical testing and the concentrations of pollutants identified, if any, the project sponsor will dispose of the water in one (or more) of the following ways:</p> <ul style="list-style-type: none"> a) Discharge the water to the storm drain under permit from the RWQCB. It is unlikely that the RWQCB would allow discharge of any untreated dewatering effluent that contained detectable concentrations of chemical pollutants and that for these types of discharges, alternative disposal options may be required; b) Discharge the water to the sanitary sewer system under permit from the East Bay Municipal Utilities District; c) Haul the water to a licensed off-site disposal facility for treatment and disposal under appropriate manifest. <p>The project proponent shall demonstrate to the City of Oakland, Planning and Development Department that appropriate permits have been acquired prior to discharge of any dewatering effluent.</p>	<ul style="list-style-type: none"> 1) Project sponsor shall include requirements for the proper management of dewatering effluent in the SWPPP, as specified in the mitigation measure. 2) Procure the appropriate permits needed for the discharge of dewatering effluent. 	<p>City of Oakland Community and Economic Development Agency, Environmental Services Division.</p>	<ul style="list-style-type: none"> 1) Review the SWPPP to ensure it includes requirements for the proper management of dewatering effluent. 2) Verify that the project sponsor has received the necessary permits for the discharge of dewatering effluent. 	<ul style="list-style-type: none"> 1) Prior to the approval of grading permit. 2) Prior to the initiation of dewatering within the project site. 	<ul style="list-style-type: none"> 1) No approval of grading permit. 2) City issues corrective action or stop work order if necessary permits have not been procured. 	<p><i>Verified by:</i> <i>Date:</i></p>
<p>TRANSPORTATION, CIRCULATION AND PARKING</p>						

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><u>TRANS-1:</u> Optimization of the signal timing at the intersection of San Pablo and Thomas L. Berkley Way (20th Street) would improve function to LOS D in the PM peak hour. This intersection functions as an integrated signal system with other intersections in the downtown area. To mitigate the project's impact at this location and others, the City shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17th Street prior to project occupancy. The plan shall address the timing and equipment requirements, as necessary for all of the signalized intersections located within this area. The project sponsor shall fund its fair share cost of the preparation of this plan and the implementation of the signal timing program. Implementation of the signal optimization program may also involve the purchase and installation of interconnection hardware (i.e. modems, microwave antennas, etc). The City of Oakland will consult with AC Transit during preparation of the plan.</p> <p>Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:</p> <ol style="list-style-type: none"> 1. The project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. 2. The City, at its sole discretion, shall establish a Traffic Improvement Program and concurrent Traffic Impact Fee Ordinance to fund the mitigation measure. 3. The Redevelopment Agency, at its sole discretion, shall contribute funds to the costs of implementation. 	<ol style="list-style-type: none"> 1) City Public Works Agency, Traffic Engineering Division, shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17th Street. 2) The project sponsor shall fund its fair share cost of the preparation and implementation of the signal optimization and coordination plan. Each phase of the project shall fund its fair share cost. 3) City Public Works Agency, Traffic Engineering Division, shall implement the measures of the plan from 2010 to 2025, as necessary, to address cumulative impacts. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 3) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Verify that the signal optimization and coordination plan has been prepared and that it meets the standards listed in the mitigation measure. 2) Verify that the project sponsor funds its fair share cost of the preparation and implementation of the signal optimization and coordination plan. 3) Ensure plan measures are being implemented. 	<ol style="list-style-type: none"> 1) Prior to occupancy of the first phase of the project. 2) Prior to occupancy of the first phase of the project. 3) From 2010 to 2025. 	<p>No approval of occupancy permit.</p>	<p>Verified by: Date:</p>
<p>Mitigation Measures TRANS-2, TRANS-4, TRANS-5, TRANS-6, TRANS-7, TRANS-8, TRANS-9, TRANS-12, TRANS-13 and TRANS-14 require the implementation of Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Verified by: Date:</p>
<p><u>TRANS-3:</u> Widen the intersection to add a second exclusive left turn lane in the eastbound direction and an exclusive right turn lane in the westbound direction. The intersection would operate at LOS D in the PM peak hour with these improvements.</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the widening of the existing elevated structure and modification of the traffic signal. The second exclusive left turn lane in the eastbound direction and the exclusive right turn lane in the westbound direction should each be 300 feet in length with a 90-foot taper. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to widen the Frontage Road/West Grand Avenue intersection. At this time, the implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>					

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><u>TRANS-10:</u> The project sponsor shall provide funding for the following two improvements.</p> <ul style="list-style-type: none"> Optimize the signal timing at the intersection of Telegraph and 19th Street. Since this intersection also functions as part of an integrated signal system in downtown Oakland, Mitigation Measure TRANS-1 shall also be implemented. Restripe the westbound 19th Street approach to provide two exclusive through lanes and an exclusive right turn lane. <p>The restriping of the westbound 19th Street approach to the intersection to provide two exclusive through lanes and an exclusive right turn lane would require the elimination of six metered parking spaces on the northern side of 19th Street between Telegraph and Broadway. With the existing roadway width available the two through lanes would each be 11 feet wide and the right turn lane would be 10 feet wide, which would satisfy City standards of 10-foot lanes. Metered parking would remain on the southern side of 19th Street.</p>	<ol style="list-style-type: none"> Refer to Mitigation Measure TRANS-1. City Public Works Agency, Traffic Engineering Division shall restripe the westbound 19th Street approach to Telegraph Avenue to provide two exclusive through lanes and an exclusive right turn lane. 	<ol style="list-style-type: none"> Refer to Mitigation Measure TRANS-1. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Refer to Mitigation Measure TRANS-1. Verify that the westbound 19th Street approach has been restriped. 	<ol style="list-style-type: none"> Refer to Mitigation Measure TRANS-1. Prior to occupancy of the first phase of the project. 	<ol style="list-style-type: none"> Refer to Mitigation Measure TRANS-1. Work with the City Public Works Agency to ensure the improvement is implemented. 	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><u>TRANS-11:</u> Widen the eastbound approach to accommodate two left turn lanes, two through lanes, and a right turn lane. Widen the southbound approach would need to accommodate a right turn lane, a left turn lane, and a shared through/right turn lane. In addition, the northbound approach should be converted from a left turn lane, a through lane, and a shared through/right turn lane to a left turn lane, a shared through/right turn lane, and a right turn lane. With the proposed improvements, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour.</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the expansion of the existing elevated structure and modification of the traffic signal. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to pursue the widening of the Frontage Road/West Grand Avenue intersection. The implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>					
<p>AIR QUALITY</p>						
<p><u>AIR-1:</u> Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.</p> <ul style="list-style-type: none"> The basic and enhanced control measures listed in Table IV.E-9 shall be implemented during construction of the proposed project. Any temporary haul roads to the soil stockpile area shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant. Water sprays shall be utilized to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than 1 week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation. 	<p>Project sponsor shall implement the construction period air quality control measures described in the mitigation measure.</p>	<p>City of Oakland Community and Economic Development Agency, Building Services Division.</p>	<p>Make regular visits to the project site to ensure that all dust-control mitigation measures are being implemented, and verify that a designated construction dust control coordinator is on-call during construction periods.</p>	<p>Ongoing throughout the project construction period.</p>	<p>City issues corrective action or stop work order if construction period dust control measures have not been implemented.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<ul style="list-style-type: none"> All neighboring properties located within 500 feet of property lines shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request. <p>The above mitigation measures include all feasible measures for construction emissions identified by the BAAQMD. According to the District's threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the proposed project to a less-than-significant level.</p>						
<p><u>AIR-2:</u> To the extent permitted by law, the Uptown Project shall be required to implement Transportation Control Measures (TCMs) as recommended by the BAAQMD. Measures that the City shall require the project to implement, or that are already proposed as part of the project, may include the following:</p> <ul style="list-style-type: none"> <i>Transit Measures:</i> (i) Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, and other needed facilities subject to the review and comment of AC Transit. (Effectiveness 0.5 percent - 2 percent of all trips, BAAQMD CEQA Guidelines); (ii) Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.) (Effectiveness 0.1 percent - 0.5 percent of all trips, BAAQMD CEQA Guidelines). <i>Services Measures:</i> (i) Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc. (Effectiveness 0.5 percent - 5 percent of work trips, BAAQMD CEQA Guidelines); (ii) Provide on-site child care, or contribute to off-site childcare within walking distance. (Effectiveness 0.1 percent - 1 percent of work trips, BAAQMD CEQA Guidelines). 	Project sponsor shall implement appropriate TCMs, based on consultation with the City.	City of Oakland Community and Economic Development Agency, Planning Division.	Ensure that TCMs determined to be necessary by the City are incorporated into the planning entitlements for the project.	Prior to approval of the planning entitlements for the project.	No approval of the planning entitlements for the project.	Verified by: Date:
<ul style="list-style-type: none"> <i>Bicycle and Pedestrian Measures:</i> (i) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (ii) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iii) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iv) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 percent - 2 percent of non-work trips, BAAQMD CEQA Guidelines); (v) Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development (Effectiveness 0.5 percent - 1.5 percent of all trips, BAAQMD CEQA Guidelines). <p>Implementation of the measures detailed above would help minimize this impact, but not reduce it to a less-than-significant level. Therefore, Impact AIR-2 will remain significant and unavoidable.</p>						
<p>NOISE</p> <p><u>NOISE-1a:</u> Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the buildings are enclosed without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.</p>	Construction contractor shall limit construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday.	Community and Economic Development Agency, Building Services and Planning Division.	Make regular visits to the project site to ensure that construction activities are restricted to 7:00 a.m. and 7:00 p.m. Monday through Friday.	Ongoing throughout project construction period.	City issues corrective action or stop work order if construction activities occur outside of the restricted time zone.	Verified by: Date:

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>NOISE-1b: To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the project sponsor to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> • Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems; • An on-site complaint and enforcement manager shall be posted to respond to and track complaints; • A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.); • Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible); • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and • Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible. 	<p>Project sponsor shall develop a site-specific noise reduction program that includes the measures detailed in Mitigation Measure NOISE-1b.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Review and approve the site-specific noise reduction program.</p>	<p>Prior to approval of a grading or building permit.</p>	<p>No approval of a grading or building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p>NOISE-1c: If pile-driving occurs as part of the project, it shall be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, with no pile driving permitted between 12:30 and 1:30 p.m. No pile driving shall be allowed on Saturdays, Sundays, or holidays.</p>	<p>Construction contractor shall limit pile driving to between 8:00 a.m. and 4:00 p.m., Monday through Friday, and no pile driving shall occur between 12:30 and 1:30 p.m. or on Saturdays, Sundays, or holidays.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Make regular visits to the project site to ensure that pile driving is limited to the hours specified in Mitigation Measure NOISE-1c.</p>	<p>Ongoing throughout project construction period.</p>	<p>City issues corrective action or stop work order if pile driving occurs outside of the restricted time zone.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p>NOISE-1d: To further mitigate potential pile-driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:</p> <ul style="list-style-type: none"> • Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions; • Erect temporary plywood noise barriers around the entire construction site; • Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site; 	<p>Project sponsor shall prepare and implement a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the control strategies listed in Mitigation Measure NOISE-1d as feasible. project sponsor shall submit a special inspection deposit to the City.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Review and approve the site-specific noise attenuation measures submitted by the project sponsor. Verify that the project sponsor has submitted a special inspection deposit.</p>	<p>Prior to approval of a grading or building permit.</p>	<p>No approval of a grading or building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<ul style="list-style-type: none"> Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and Monitor the effectiveness of noise attenuation measures by taking noise measurements. A third-party peer review, paid for by the project sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project sponsor. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. 						
<p><u>NOISE-1e:</u> A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:</p> <ul style="list-style-type: none"> A procedure for notifying City Building Division staff and Oakland Police Department; A list of telephone numbers (during regular construction hours and off-hours); A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem; Designation of a construction complaint manager for the project; and Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities. <p>Construction period impacts would still occur with implementation of the measures detailed above. However, because they would be short-term in duration, the City considers this a less-than-significant impact.</p>	<p>Project sponsor shall devise and implement a system for responding to and tracking complaints pertaining to pile-driving construction noise which includes the measures listed in Mitigation Measure NOISE-1e.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Verify that a system for responding to and tracking noise complaints has been developed by the project sponsor.</p>	<p>Prior to approval of a grading or building permit.</p>	<p>No approval of a grading or building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p><u>NOISE-2:</u> Once the project design is finalized and the location of specific uses are determined, the project sponsor shall have an acoustical analysis prepared that details noise reduction requirements and noise insulation features necessary to achieve acceptable interior and exterior noise levels. The requirements shall be sufficient to achieve a minimum of 45 dBA for all interior building spaces and shall achieve either Normally Acceptable or Conditionally Acceptable ranges for exterior uses according to the applicable land use category as set forth in Table IV.F-4.</p>	<p>Project sponsor shall prepare an acoustical analysis that details noise reduction requirements and noise insulation features necessary to achieve acceptable interior and exterior noise levels. Project sponsor shall incorporate all recommended features into the project.</p>	<p>City of Oakland Community and Economic Development Agency, Building Services Division.</p>	<p>Review building plans for the project and verify that noise reduction features have been incorporated.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p>Measures to reduce the interior noise levels may include:</p> <ul style="list-style-type: none"> To meet the City's 45 dBA CNEL interior noise standard, building facade upgrades will be required for building located along Telegraph Avenue. All windows facing Telegraph Avenue must have a sound transmission class (STC) of 31 or greater. All of the proposed buildings on the project site shall be designed and constructed with ventilation systems, to achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, to achieve the 45 dBA CNEL interior noise standard. <p>Measures to reduce the exterior noise levels may include:</p> <ul style="list-style-type: none"> The inclusion of plexiglass enclosures for outdoor patio and balcony areas at a height of 5 feet (i.e., to shield balconies and or outdoor patio areas) would provide 5dBA or more in noise reduction for outdoor use areas. <p>Implementation of the above mitigation measure would reduce this impact to a less-than-significant level by achieving, at a minimum, <i>Conditionally Acceptable</i> noise levels.</p>						

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>NOISE-3: The following measures are required for the operations of the proposed project:</p> <ul style="list-style-type: none"> All on-site stationary noise sources shall comply with the standards listed in Section 17.120.050 of the City's Planning Code; and Loading docks or loading areas and noise-generating equipment associated with the retail uses will be located as far as practical from all existing and planned residential properties. <p>Implementation of the above mitigation measure would reduce the impact to below a level of significance.</p>	<p>1) Project sponsor shall comply with the standards listed in Section 17.120.050 of the City's Planning Code.</p> <p>2) Project sponsor shall ensure that noise-generating areas and equipment are located as far as practical from all existing and proposed residential uses.</p>	<p>1) Community and Economic Development Agency, Building Services and Planning Division.</p> <p>2) Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>1) Make regular visits to the project site to verify compliance with noise regulations.</p> <p>2) Review building plans for the project to ensure that proposed noise-generating uses are as far from sensitive uses as practical.</p>	<p>1) Regularly throughout operation of the project, at intervals deemed appropriate by the City.</p> <p>2) Prior to approval of a building permit.</p>	<p>1) City issues corrective action.</p> <p>2) No approval of a building permit.</p>	<p>Verified by:</p> <p>Date:</p>
HAZARDS AND HAZARDOUS MATERIALS						
<p>HAZ-1a: Prior to issuing any grading, demolition or building permits for the proposed project affecting project site Blocks 3 through 9, an environmental investigation shall be conducted at the site by a qualified environmental professional. The environmental investigation shall implement appropriate sampling recommendations presented in previously conducted Phase I site assessment(s) prepared for the project site, as summarized in Table IV.G-3, in order to adequately characterize subsurface conditions of the site. Environmental investigation workplans shall be submitted to the City of Oakland and RWQCB for review and approval. Information from the environmental investigation shall be used to develop and implement site-specific health and safety plans for construction workers and best management practices (e.g., dust control, storm water runoff control, etc.) appropriate to protect the general public.</p>	<p>Project sponsor shall ensure the preparation of an environmental investigation by a qualified environmental professional. The environmental investigation shall adequately characterize subsurface conditions within the project site, as described in the mitigation measure, and it shall be used to develop and implement a health and safety plan for construction workers and best management practices.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review the construction plan to ensure it includes adequate health and safety measures to protect construction workers from subsurface hazardous materials.</p>	<p>Prior to approval of a grading or building permit for development in Blocks 3 through 9.</p>	<p>No approval of a grading or building permit for development in Blocks 3 through 9.</p>	<p>Verified by:</p> <p>Date:</p>
<p>HAZ-1b: Prior to issuing any grading, demolition, or building permit for the proposed project, a site-specific Health and Safety Plan (HSP) shall be prepared by a qualified industrial hygienist. At a minimum, the HSP shall summarize information collected in environmental investigations for the project site, including soil and groundwater quality data; establish soil and groundwater mitigation and control specifications for grading and construction activities, including health and safety provisions for monitoring exposure to construction workers; provide procedures to be undertaken in the event that previously unreported contamination is discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the Plan. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits. The Plan shall be submitted to the City of Oakland for review and approval.</p>	<p>Project sponsor shall prepare a site-specific HSP which meets the requirements listed in the mitigation measure. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review and approve the HSP.</p>	<p>Prior to approval of a demolition, grading, or building permit.</p>	<p>No approval of a demolition, grading, or building permit.</p>	<p>Verified by:</p> <p>Date:</p>
<p>HAZ-1c: Prior to issuing any grading, demolition, or building permit for the proposed project, a Soil and Groundwater Management Plan (Plan) shall be prepared. The Plan shall include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations. The Plan will incorporate notification and dust mitigation requirements of the BAAQMD (including Title 17, CCR Section 93105). Dewatering procedures will incorporate regulatory requirements for groundwater discharge to storm or sanitary sewers, as outlined in Mitigation Measure HYD-3. The Plan shall be submitted to the City of Oakland and RWQCB for review and approval and shall be implemented throughout all phases of project development.</p>	<p>Project sponsor shall prepare and implement a Soil and Groundwater Management Plan, as specified in the mitigation measure, to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).</p>	<p>Review and approve the Soil and Groundwater Management Plan.</p>	<p>Prior to approval of a demolition, grading, or building permit.</p>	<p>No approval of a demolition, grading, or building permit.</p>	<p>Verified by:</p> <p>Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
HAZ-2a: Covenants, codes, and restrictions for the proposed project shall strictly prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes. Any dewatering activities required at the project site following construction activities shall be required to be carried out under the Soil and Groundwater Management Plan prepared for the project (Mitigation Measure HAZ-1c).	<ol style="list-style-type: none"> Project sponsor shall include provisions in the covenants, codes, and restrictions for the project that prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes. Project sponsor shall ensure that dewatering activities are carried out under the Soil and Groundwater Management Plan prepared for the project. 	<ol style="list-style-type: none"> City of Oakland, Public Works Agency, Environmental Services Division. Refer to Mitigation Measure HAZ-1c. 	<ol style="list-style-type: none"> Review the covenants, codes, and restrictions to ensure that the use of groundwater is prohibited. Refer to Mitigation Measure HAZ-1c. 	<ol style="list-style-type: none"> Prior to approval of Final Map. Refer to Mitigation Measure HAZ-1c. 	<ol style="list-style-type: none"> No approval of Final Map. Refer to Mitigation Measure HAZ-1c. 	<i>Verified by:</i> <i>Date:</i>
HAZ-2b: Prior to issuing any permits for construction within the project site, a Human Health Risk Assessment (HHRA) shall be conducted and/or updated by a qualified environmental professional. This HHRA shall employ methodology from the <i>City of Oakland Urban Land Redevelopment: Guidance Document</i> for the Oakland Risk Based Corrective Action (RBCA) program to evaluate potential health risks from petroleum hydrocarbons, metals, solvents, and other volatile organic compounds in soils and groundwater. Depending on the findings of the HHRA, recommendations may be made for administrative or engineering controls to minimize public exposure to hazardous materials, if warranted. These controls could potentially include vapor barriers for building foundations, encapsulation of the site with building foundations and paved parking surfaces to prevent exposure to soils, and implementation of an Operations and Maintenance Plan to insure prescribed controls are implemented and maintained. The controls shall ensure that any potential added health risks to future site users are reduced to a cumulative risk of less than 1×10^{-5} (a calculated risk of 1 in 100,000 persons exposed) for carcinogens and a cumulative hazard index of 1.0. The HHRA shall be submitted to the City of Oakland and RWQCB for review and approval.	Project sponsor shall prepare and/or update a HHRA for the project site that meets the requirements outlined in the mitigation measure.	City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).	Review and approve the HHRA.	Prior to approval of a demolition permit.	No approval of a demolition permit.	<i>Verified by:</i> <i>Date:</i>
HAZ-3: The implementation of Mitigation Measure HAZ-1b would require a Site Safety Plan/Soil and Groundwater Management Plan (Plan). The Plan will establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the Plan. No other mitigation is required.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	<i>Verified by:</i> <i>Date:</i>
HAZ-4: All asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with construction worker health and safety regulations and the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD) (29 CFR 1926.1101; 40 CFR 61 and 152; Title 8 CCR Section 1529; BAAQMD Regulation 11, Rule 2). The removal and disposal of lead-based paint within the project site shall be completed in accordance with federal and State construction worker health and safety regulations (29 CFR, Part 1926.62; Title 8, CCR Section 532.1; CDHS Training, Certification and Work Practices Rule).	Project sponsor shall remove asbestos and lead-containing substances from the project site in accordance with all applicable regulations. Plans for the abatement of these materials shall be incorporated into the construction plan.	City of Oakland, Public Works Agency, Environmental Services Division.	Review the construction plan for the project to ensure that asbestos and lead will be removed from the project site in a way that is consistent with hazardous materials regulations.	Prior to approval of the construction plan.	No approval of the construction plan.	<i>Verified by:</i> <i>Date:</i>
HAZ-5: Implementation of existing regulatory requirements for school siting, and preparation and implementation of a Site Safety Plan/Soil and Groundwater Management Plan (Mitigation Measure HAZ-1b) and lead and asbestos regulations (Mitigation Measure HAZ-4) would reduce this impact to a less-than-significant level. No additional mitigation is required.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	<i>Verified by:</i> <i>Date:</i>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
HISTORIC ARCHITECTURAL, ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES						
<u>HIST-1a</u> : A paleontological resources monitoring plan shall be developed in consultation with a qualified paleontologist prior to project-related ground-disturbing activities. This monitoring plan shall incorporate the findings of project-specific geotechnical investigations to identify the location and depth of deposits that have a high likelihood of containing paleontological resources and that may be encountered by project activities. This information will indicate the depth of overlying non-sensitive soils (i.e., artificial fill and prior disturbance) within the project area to allow a more effective determination of where paleontological monitoring is appropriate.	Project sponsor shall prepare a paleontological resources monitoring plan that meets the requirements listed in the mitigation measure.	City of Oakland Community and Economic Development Agency, Planning Division.	Review and approve the paleontological resources monitoring plan.	Prior to approval of a grading or building permit.	No approval of a grading or building permit.	<i>Verified by:</i> <i>Date:</i>
<u>HIST-1b</u> : A qualified paleontologist shall monitor all ground-disturbing activity that occurs at depths within the project area determined to be sensitive in the paleontological monitoring plan. Monitoring shall continue until, in the paleontologist's opinion, significant, nonrenewable paleontological resources are unlikely to occur. In the event that paleontological resources are encountered during excavation, all work within 50 feet of the find shall be redirected until the monitor has evaluated the situation and provided recommendations for the protection of, or mitigation of adverse effects to, significant paleontological resources. Mitigation for impacts to significant paleontological resources shall include thorough documentation of the find and its immediate context to recover scientifically-valuable information. Upon completion of paleontological monitoring, a monitoring report shall be prepared. This scope of this report shall be approved by the City, but at a minimum the report will document the methods, results, and recommendations of the monitoring paleontologist.	<ol style="list-style-type: none"> 1) Project sponsor shall retain a paleontologist to monitor ground-disturbing activity within the project site, as described in the mitigation measure. 2) Work within 50 feet of any paleontological finds shall halt in the event that such resources are identified. 3) If paleontological resources are identified within the project site, the paleontologist shall evaluate the resources and provide recommendations regarding the protection of, or mitigation of adverse effects to, significant paleontological resources. A monitoring report shall be prepared if impacts to paleontological resources will be mitigated. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 3) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Receive notice that a paleontologist has been retained. 2) Verify that work is suspended if paleontological resources are found. 3) Review the paleontological resources monitoring report, if one is prepared. 	<ol style="list-style-type: none"> 1) Prior to approval of a grading or building permit. 2) During project construction. 3) During project construction. 	<ol style="list-style-type: none"> 1) No approval of a grading or building permit. 2) City issues corrective action or stop work order. 3) City issues corrective action. 	<i>Verified by:</i> <i>Date:</i>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HIST-2a: A pre-construction archaeological testing program shall be implemented to help identify whether historic or unique archaeological resources exist within the project site. The pre-construction archaeological testing program shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology. Examples of potential historic or unique archaeological resources that could be identified within the project site include: back-filled wells; basements of buildings that pre-date Euro-American buildings that were constructed on the project site; and backfilled privies. For these resources to be considered significant pursuant to CEQA, they would have to have physical integrity <i>and</i> meet at least one of the criteria listed in <i>CEQA Guidelines</i> section 15064.5(a)(3) (for historic resources) and/or CEQA section 21083.2(g) (for unique archaeological resources). These criteria include: association with events that have made a significant contribution to the broad patterns of California history and cultural heritage; association with the lives or persons important in our past; embodiment of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; yield, or may likely yield, information important in prehistory or history; contains information needed to answer important scientific research questions and be subject to a demonstrable public interest in that information; have a special and particular quality such as being the oldest of its type or the best available example of its type; or be directly associated with a scientifically recognized important prehistoric or historic event or person.</p> <p>The testing program shall be guided by a sensitivity study (including a history of previous land uses) and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate). The purpose of the sensitivity study and testing program is to: (1) identify the presence and location of potentially-significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource or unique archaeological resource under section 21083.2(g) of the CEQA statutes; (3) guide additional archaeological work, if warranted, to recover the information potential of such deposits; and (4) refine the archaeological monitoring plan.</p> <p>Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the sensitivity study and plan for the subsequent testing program prior to initiation of subsurface investigation. The City shall consider the community comments in finalizing the sensitivity study and testing program.</p> <p>If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.</p>	<ol style="list-style-type: none"> 1) Project sponsor shall retain a qualified cultural resources professional to implement a pre-construction archaeological testing program, as described in the mitigation measure. 2) Archaeologist shall provide the sensitivity study and plan for the archaeological testing program for focused community review by representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center). Community reviewers shall be provided 14 days to review the sensitivity study and archaeological testing program and provide written comments. The City shall consider the community comments in finalizing the sensitivity study and archaeological testing program. 3) Archaeologist prepare a plan for additional data recovery of archaeological material, if deemed necessary. 4) If additional data recovery of archaeological material is deemed necessary, archaeologists shall submit the plan to focused community review by representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center). Such community reviewers shall be provided 14 days to review the plan and provide written comments. 5) Project sponsor shall consult with representatives of the Chinese-American community regarding the potential use of archaeological findings. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 3) City of Oakland Community and Economic Development Agency, Planning Division. 4) City of Oakland Community and Economic Development Agency, Planning Division. 5) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Receive notice that an archaeologist has been retained. 2) Verify that appropriate groups have been contacted to review the sensitivity study and archaeological testing program. Verify community comments have been collected and reviewed and considered. 3) Verify that a research design is prepared. 4) Verify that appropriate groups have been contacted to review research design and plan for additional data recovery. Verify community comments have been collected and reviewed and considered. 5) Verify that the appropriate groups have been contacted regarding archaeological findings within the project site. 	<ol style="list-style-type: none"> 1) Prior to approval of any permit that authorizes removal of foundations or work below finished grade. 2) Prior to approval of any permit that authorizes removal of foundations or work below finished grade. 3) Prior to approval of any permit that authorizes removal of foundations or work below finished grade. 4) Prior to approval of any permit that authorizes removal of foundations or work below finished grade. 5) During project construction. 	<ol style="list-style-type: none"> 1) No approval of any permit that authorizes the removal of foundations or work below finished grade. 2) No approval of any permit that authorizes the removal of foundations or work below finished grade. 3) No approval of any permit that authorizes the removal of foundations or work below finished grade. 4) No approval of any permit that authorizes the removal of foundations or work below finished grade. 5) City issues corrective action or stop work order. 	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HIST-2b: Archaeological monitoring of ground-disturbing construction in the project area shall be conducted, as appropriate and if necessary, based on the results of the pre-construction testing program and the potential for encountering unidentified archaeological deposits. Upon completion of the pre-construction testing program specified in Mitigation Measure HIST-2a, the extent of archaeological monitoring during project construction will be assessed, and the scope and frequency of the monitoring required by this mitigation measure shall be based on the findings of this assessment. Monitoring shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology.</p> <p>Upon completion of such archaeological monitoring, evaluation, or data recovery mitigation, the archaeologist shall prepare a report documenting the methods, results, and recommendations of the investigation, and submit this report to the NWIC. Public displays of the findings of archaeological recovery excavation(s) of historical or unique resources shall be prepared. As appropriate, brochures, pamphlets, or other media, shall be prepared for distribution to schools, museums, libraries, and – in the case of Chinese or Chinese-American archaeological deposits – Chinese-American organizations.</p>	<ol style="list-style-type: none"> Project sponsor shall retain an archaeologist to monitor ground-disturbing activity within the project site, as described in the mitigation measure. Archaeologist shall halt work in the vicinity of the archaeological resource until findings can be made regarding whether the resource meets the CEQA definition of an archaeological or historic resource. If identified archaeological resources meet CEQA criteria for archaeological or historic resources, they shall be avoided by demolition or construction activities. If avoidance is not feasible, then effects to the deposit shall be mitigated through a data recovery strategy developed by the evaluating archaeologist, as described in the mitigation measure. This report shall be submitted to the NWIC. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Receive notice that an archaeologist has been retained. Verify that work is suspended if archaeological resources are found. Review and approve the archaeological resources mitigation plan, if one is prepared. 	<ol style="list-style-type: none"> Prior to approval of any permit that authorizes removal of foundations or work below finished grade. During demolition or project construction. During project construction. 	<ol style="list-style-type: none"> No approval of any permit that authorizes removal of foundations or work below finished grade. City issues corrective action or stop work order. City issues corrective action. 	<p>Verified by:</p> <p>Date:</p>
<p>HIST-3: Should human remains be encountered by project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist should be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.</p> <p>Upon completion of such analysis, as appropriate, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the NWIC.</p>	<ol style="list-style-type: none"> Construction activity shall halt and the County Coroner shall be notified if human remains are uncovered. Project sponsor shall notify the appropriate authorities and retain an archaeologist to recover scientifically-valuable information about the human remains and to prepare a report for submission to the NWIC. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Verify that work is suspended if human remains are found. Verify that the appropriate authorities are notified about the presence of human remains. 	<ol style="list-style-type: none"> During project construction. During project construction. 	<ol style="list-style-type: none"> City issues corrective action or stop work order. City issues corrective action. 	<p>Verified by:</p> <p>Date:</p>
<p><i>Mitigation Measures HIST-4a, HIST-4b, and HIST-5 shall be implemented based on the adopted project variant involving the Great Western Power Company Building. The following three variants are proposed: 1) demolition of the Great Western Power Company Building (Variant 1); 2) partial demolition of the Great Western Power Company Building (Variant 2); and 3) preservation of the Great Western Power Company Building (Variant 3).</i></p>						
<p>HIST-4a (Variant 1 and 2): The following measures shall be implemented to preserve information about the resource for further study:</p> <ul style="list-style-type: none"> Record the Great Western Power Company Building in accordance with the procedures of the Historical American Buildings Survey (HABS) through measured drawings, written histories, and large-format photographs; Prepare a history of the Great Western Power Company Building that incorporates oral history, documentary research, and architectural information; Prepare a brochure, regarding the building's historical association with one of three major early 20th century northern California power companies, to be made available at local libraries and museums; Incorporate interpretive elements, such as signs and placards, into public areas and street frontages proposed as part of the project. 	<p>Project sponsor shall preserve historic information about the Great Western Power Company Building, as described in the mitigation measure.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Verify that the historic preservation measures detailed in the mitigation measure are implemented.</p>	<p>Prior to approval of the demolition permit for the Great Western Power Company Building.</p>	<p>No approval of the demolition permit for the Great Western Power Company Building.</p>	<p>Verified by:</p> <p>Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<ul style="list-style-type: none"> If full demolition of the building occurs, salvage architectural elements from the building, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC. 						
<p>The City may also consider requiring payment of pro-rata funds to restore historic buildings in the Uptown District to further reduce this impact. Even with extensive documentation, however, the demolition of the building or portions of the building would result in the loss of a historic resource that is associated with significant historical events and is an example of outstanding design and function. Therefore, the demolition or partial demolition of the building would remain a significant and unavoidable impact.</p>						
<p>HIST-4b (Variant 3): Any modifications to the exterior of the building that may be proposed as part of its preservation and reuse shall be developed in consultation with staff at the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy. In the event that this measure is determined feasible and is implemented, Mitigation Measure HIST-5 shall also be implemented to ensure that development on the adjacent properties does not adversely impact the building's integrity.</p>	<p>Project sponsor shall retain a qualified historic preservation architect to work with the Planning Division to develop an appropriate treatment strategy for the preservation and reuse of the Great Western Power Company Building.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that agreed-upon plans for the modification of the Great Western Power Company Building are incorporated into the project.</p>	<p>Prior to approval of a building permit for the Great Western Power Company Building.</p>	<p>No approval of a building permit for the Great Western Power Company Building.</p>	<p>Verified by: Date:</p>
<p>HIST-5 (Variant 3): The following two-part mitigation measure shall be implemented:</p> <ul style="list-style-type: none"> The building's urban setting on the portion of Block 7 fronting Thomas L. Berkley Way (20th Street) shall be documented prior to project implementation. At a minimum, this documentation shall include panoramic streetscape photographs and an interpretive display that shall provide an overview of the former urban context and describe how this context contributed to the building's significance. This information shall be presented in an on-site display at the preserved Great Western Power Company Building to enable a viewer to easily associate the former setting with the existing building (i.e., panoramic streetscape photographs to show the building within the former street frontage). Upon completion of this documentation, a copy of all notes, photographs, and analysis shall be archived at the OHR and submitted to the NWIC. The City shall ensure that the designs for new adjacent buildings are evaluated with respect to minimizing setting impacts on the historic resource. Project buildings adjacent to the Great Western Power Company Building shall be designed in a manner that minimizes inappropriate differences in mass and scale, if feasible. For example, designs could call for adjacent buildings to step-up to the height of the tallest project element north of 20th Street, thereby reducing a potentially abrupt contrast between new buildings and the two-story Great Western Power Company Building. If the designs for the adjacent buildings follow the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>, then the project will have a less-than-significant impact, pursuant to CEQA §15064.5(b)(3). <p>However, if it is not feasible to minimize material impairment of the resource, then the impact would remain significant and unavoidable.</p>	<ol style="list-style-type: none"> Project sponsor shall document the urban setting of the Great Western Power Company Building, as specified in the mitigation measure. The Planning Division shall ensure that the design of the buildings adjacent to the Great Western Power Company Building is consistent with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Verify that the urban setting of the Great Western Power Company Building is documented. Review the building permit application to verify that proposed buildings adjacent to the Great Western Power Company Building would not materially impair the historic integrity of the structure. 	<ol style="list-style-type: none"> Prior to approval of a demolition permit for development of Block 7. Prior to approval of a demolition permit for development of Block 7. 	<ol style="list-style-type: none"> No approval of a demolition permit for development of Block 7. No approval of a demolition permit for development of Block 7. 	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><u>HIST-8a</u>: If feasible, the three PDHPs that contribute to the 19th and San Pablo Commercial District (located at 1958-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) shall be preserved in their existing condition or rehabilitated and incorporated into the proposed project. Any modifications to the exterior of the buildings that may be proposed as part of their rehabilitation shall be developed in consultation with the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy that preserves the important historic qualities of the structures.</p>	<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>					
<p><u>HIST-8b</u>: If the City determines that preservation of the three PDHPs that contribute to the 19th and San Pablo Commercial District (located at 1958-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) is not feasible, the City shall inform the project sponsor for the Thomas L. Berkley Square Project of the potential cumulative impact prior to the implementation of the Uptown Mixed-Use Project. The City shall consult with both project sponsors to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19th and San Pablo Commercial District for future study. These mitigation measures shall include the following:</p> <ul style="list-style-type: none"> • Record the 19th and San Pablo Commercial District in accordance with the procedures of HABS through measured drawings, written histories, and large-format photographs; • Prepare a history of the 19th and San Pablo Commercial District that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography; • Prepare a brochure, regarding the district's historical association with turn-of-the-century Oakland commerce, to be made available at local libraries and museums; • Salvage architectural elements from the buildings proposed for demolition, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and • Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC. <p>Even with extensive documentation, however, a cumulative impact will result from the demolition of 63 percent of the 19th and San Pablo Commercial District's contributing buildings. This loss of contributing buildings will materially affect the district's ability to convey its historical significance, which will result in a significant, unavoidable cumulative impact.</p>	<p>The Planning Division shall consult with the project sponsors of the proposed project and the Thomas L. Berkley Square Project to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19th and San Pablo Commercial District for future study.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure the project sponsor funds a fair share of the mitigation measures to reduce cumulative impacts to the 19th and San Pablo Commercial District.</p>	<p>Prior to approval of a demolition permit for the PDHPs.</p>	<p>No approval of a demolition permit for the PDHPs.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p><u>HIST-13</u>: Prior to project initiation, the plan for the enhancement of street features and lighting on Telegraph Avenue shall be reviewed by planning staff to ensure that it conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>. Conformance with these guidelines will ensure that these improvements are compatible with nearby historical resources, and will mitigate potential project effects to less-than-significant levels.</p>	<p>Planning Division shall review the plan for the enhancement of street features and lighting on Telegraph Avenue to ensure that it conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that the plan for the enhancement of street features and lighting on Telegraph Avenue conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</p>	<p>Prior to the implementation of the Telegraph Avenue street features and lighting plan.</p>	<p>Planning Division issues corrective action.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
AESTHETIC RESOURCES						
<p><u>AES-1:</u> The following measures shall be incorporated into the final project design:</p> <ul style="list-style-type: none"> • Create streetscape vitality and enhance the pedestrian experience through detailed treatment of building facades, including entryways, fenestration, and signage, and through the use of carefully chosen building materials, texture, and color. • Design of building facades shall include sufficient articulation and detail to avoid the appearance of blank walls or box-like forms. • Exterior materials utilized in construction of new buildings, as well as site and landscape improvements, shall be high quality and shall be selected for both their enduring aesthetic quality and for their long term durability. 	<p>Project sponsor shall incorporate the design features and recommendations listed in the mitigation measure into the final project design.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<ul style="list-style-type: none"> • Ensure that the architectural and landscape treatment of the proposed parking structure promotes human scale and pedestrian activity. • Detailed designs for the public park shall be developed. The design shall emphasize the public nature of the space and pedestrian comfort. The plaza design shall consider sun/shade patterns during mid-day hours throughout the year. The plaza design shall be sensitively integrated with the streetscape. 						
<p><u>AES-2a:</u> The specific reflective properties of project building materials shall be assessed by the City during Design Review as part of the project's Development Standards, Procedures and Guidelines. Design review shall ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.</p>	<p>Planning staff shall assess the reflective properties of project buildings to ensure that the project will not create additional daytime or nighttime glare.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that any recommendations that staff or the Design Review Committee makes in regard to reflective materials are incorporated into the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
<p><u>AES-2b:</u> Specific lighting proposals shall be reviewed and approved by the City prior to installation. This review shall ensure that any outdoor night lighting for the project is down shielded and would not create additional nighttime glare.</p>	<p>Planning staff shall assess proposed lighting of project buildings and streets to ensure that the project will not create additional nighttime glare.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that any recommendations that staff or the Design Review Committee makes in regard to lighting are incorporated into the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p><i>Verified by:</i> <i>Date:</i></p>
WIND						
<p><u>WIND-1a:</u> The final design of the high-rise buildings on Blocks 5 and 7 shall be in accordance with one or more of the following design guidelines. In addition, as part of the design review process for these high-rise buildings, a qualified wind consultant shall ensure the project is designed in accordance with these guidelines:</p> <ul style="list-style-type: none"> • Align long axis of each building along a northwest-southeast alignment to reduce exposure of the wide faces of the building to westerly or southeasterly winds. • West or southeasterly building faces shall be articulated and modulated through the use of architectural devices such as surface articulation; variation; variation of planes, wall surfaces, and heights; and the placement of setbacks and other similar features. • Utilize properly-located landscaping that mitigates high winds. Porous materials (e.g., vegetation, hedges, screens, latticework, perforated metal), which offer superior wind shelter compared to solid surfaces, shall be used. • Avoid narrow gaps between buildings where westerly or southeasterly winds could be accelerated; or • Avoid breezeways or notches at the upwind corners of the building. 	<p>Project sponsor shall retain a qualified wind consultant to determine if the project is in compliance with the guidelines listed in the mitigation measure.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure buildings in Blocks 5 and 7 are designed in compliance with the wind-reducing guidelines in the mitigation measure.</p>	<p>Prior to approval of a building permit for buildings on Blocks 5 and 7.</p>	<p>No approval of a building permit for buildings on Blocks 5 and 7.</p>	<p><i>Verified by:</i> <i>Date:</i></p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><u>WIND-1b:</u> A qualified wind consultant shall review and evaluate the final design of the high-rise buildings on Blocks 5 and 7, and shall determine whether incorporated design features would reduce wind impacts to a less-than-significant level. If the wind consultant determines that these design features would reduce wind impacts to a less-than-significant level (i.e., less than 36 mph), no further mitigation would be required. If the wind consultant determines that significant adverse wind impacts could occur, models of the proposed Blocks 5 and 7 buildings shall be subject to wind tunnel testing to determine if the buildings would result in uncomfortable or hazardous winds. The wind consultant shall work with the project architect to develop further building design modifications that would reduce wind impacts to a less-than-significant level (i.e., standard of less than 36 mph).</p>	<p>1) Project sponsor shall retain a qualified wind consultant to review and evaluate the final design of the high-rise buildings on Blocks 5 and 7, and determine whether incorporated design features would reduce wind impacts to a less-than-significant level.</p> <p>2) If the wind consultant determines that buildings on Blocks 5 and 7 could result in significant wind-related impacts, the project sponsor shall subject models of the proposed buildings to wind tunnel testing. Based on the results of this testing, the project sponsor shall incorporate design modifications into the project that would reduce wind impacts to a less-than-significant level.</p>	<p>1) City of Oakland Community and Economic Development Agency, Planning Division.</p> <p>2) City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>1) Review the written findings of the wind consultant.</p> <p>2) Review project plans to ensure they are consistent with the recommendations of the wind consultant.</p>	<p>1) Prior to approval of a building permit for buildings on Blocks 5 and 7.</p> <p>2) Prior to approval of a building permit for buildings on Blocks 5 and 7.</p>	<p>1) No approval of a building permit for buildings on Blocks 5 and 7.</p> <p>2) No approval of a building permit for buildings on Blocks 5 and 7.</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

5. Design Review Requirements

Prior to issuance of building permit.

The final design elements listed below shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. The Planning Director may exercise his/her standard authority to refer the final design to the Design Review Committee.

- Submission of sections, materials and color selection of the ground and top floor facades to review any refinements to the design.
- Submission of the following material information for administrative review and approval prior to issuance of building permits:
 - Window and trim schedules: In addition, applicant to provide product information sheet, including photographic facsimile or actual window sample, for each proposed window type. Given the form and rhythm of the buildings, the quality of the windows will be important.
 - Project entry elevations to top of buildings for residential entrances on 18th and 19th Streets.
 - Color and material samples for all exterior finishes in minimum dimensions of one square foot. Connection details shall be provided for all exterior cladding, and are subject to review and approval.
 - Provide product information sheets or detailed drawings, including photographic facsimile or actual sample of balconies and railings, screening devices, awnings or other sun shade devices, and exterior lighting fixtures.
 - Project signage and signage lighting;
 - Full scale mock-up of all ground-floor finish materials demonstrating three-dimensional trim wrap at corners.
- Submission of final landscape plans prior to submittal for public improvement permit (P-job).
- Confirmation of Public Works Agency approval of on-street loading space on 19th Street to accommodate move-ins and daycare drop-off zone (Building Permit).

6. Bicycle Accommodations:

Consistent with the provisions of the Bicycle Master Plan Element of the City of Oakland General Plan (adopted on July 20, 1999), and unless determined by the Planning Director to be infeasible, provide on-site one long-term bicycle parking space for every four residential units, preferably provided in lockers or cages and located near elevators, as well as one short-term space for every fifteen residential units. All short-term spaces may be provided in the public right-of-way, subject to approval by the Public Works Agency.

7. Parking Study

Prior to issuance of a building permit, the project sponsor shall have a parking study prepared by an independent traffic engineer to demonstrate that the proposed layout and

dimensions of the parking garage are functional and meet generally accepted standards, or what revisions are needed to meet such standards. This parking study shall be submitted for the review and approval by the Planning Director.

8. Modification of Conditions or Revocation

a. Ongoing.

The City reserves the right, after notice and public hearing, to revoke the approvals or alter Conditions of Approval if it is found that the approved facility is violating any of the Conditions of Approval or the provisions of the Planning Code, or operates as or causes a public nuisance.

9. Recording of Conditions of Approval

a. Prior to issuance of building permit or commencement of activity.

The project sponsor shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

10. Reproduction of

a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of all plans submitted for all construction-related permits for this project.

11. Indemnification

a. Ongoing.

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

12. Recycling Space Allocation Requirements

a. Prior to issuance of building permit

The design, location and maintenance of recycling collection and storage areas shall substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements of the Planning Code. The recycling location and area shall be clearly delineated on the plans.

13. Lighting Plan

a. Prior to issuance of building permit

An exterior lighting plan shall be submitted for review and approval by the Planning Director. The lighting plan shall include the design and location of all exterior lighting

fixtures or standards, and said lighting shall be installed such that it is adequately shielded and does not cast glare onto adjacent properties.

14. Landscaping Plans

a. *Prior to issuance of building permit.*

The project sponsor shall submit a detailed landscaping plan to the Planning Director for review and approval prior to the issuance of any building permits. This plan shall include:

- a. Details and specifications for other landscaping features such as street furniture, rocks, paving treatments, and any water features. In particular, the paving treatment for the sidewalks will need to be further developed and will also need to be reviewed by the Public Works Agency.
- b. Detailed irrigation plans, planting details such as location, number and sizes of the plant materials, and the specifications for planting.
- c. Street tree planting specifications. The street trees must be approved by the Office of Parks and Recreation.

15. Meter Shielding.

Prior to issuance of building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

16. Rooftop Utilities.

Prior to issuance of building permits.

The applicant shall submit plans to the Planning and Zoning Division that adequately demonstrate that rooftop utilities will be adequately concealed and/or consolidated. Solar panels may be visible and should be integrated into the roof design to provide an attractive appearance harmonious with the overall building design.

17. Water, Wastewater and Storm Sewer Service

Prior to issuance of building permit

The project sponsor shall provide the necessary information to the Public Works Agency, Design and Construction Services Division to reconfirm the existing capacity of the water, wastewater and storm service systems that serve the project site and the projected project demand. The project sponsor shall be responsible for payment of the required installation or hookup fees to the affected service providers. The project sponsor shall also be responsible for payment of sewer and/or storm water improvement fees as required by the Public Works Agency.

18. Litter Control

Prior to issuance of building permit

A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator. The Plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right-of-way; and
- A management schedule for keeping the premises and surrounding area in a one-block radius free from litter originating from the operation of the future commercial activities; and
- Sweeping and trash collection of the premises, the public sidewalk, and the gutter area of the public street immediately adjacent to the project, as needed to keep the area free of litter.

19. Exterior Pay Phones

On-going

There shall be no exterior pay telephones located on the project site without obtaining a pay phone permit.

20. Electrical Facilities

Prior to Installation

All electrical and telephone facilities, fire alarm conduits, street light wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.

21. Tree Removal Permit

Prior to issuance of the demolition or grading permit

The project sponsor must obtain a tree removal permit, and/or tree protection permit as needed, from the Office of Parks and Recreation, and abide by the conditions of that permit, prior to construction adjacent to, or removal of, any protected trees located on the project site or in the public right-of-way adjacent to the project site.

22. Subdivision Maps

Prior to issuance of first construction-related permit

The project sponsor shall seek approvals for, obtain approvals and record an approved Tentative Parcel Map and Final Map prior to issuance of first construction-related permit.

23. Waste Reduction and Recycling Plan

Prior to issuance of building permit

The project sponsor shall submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the construction and operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253.

24. Special Inspector

Throughout construction

The project sponsor may be required to pay for on-call special inspector(s) as needed or as directed by the Building Official. Prior to issuance of a building permit, the project sponsor shall establish a deposit with the Building Services Division to fund a special inspector who shall be available as needed, as determined by the Building Official or the Planning Director.

25. Construction Staging and Phasing Plan

Prior to issuance of any demolition, grading or building permit.

The project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA) and other appropriate City of Oakland agencies to determine traffic management strategies to reduce traffic congestion and the effects of parking demand, to the maximum feasible extent, by construction workers during construction of this project and other nearby projects that could be simultaneously under construction.

The project applicant shall submit a construction management and staging plan to the Building Services Division with the application for the first building permit for the project for review and approval. The plan shall include at least the following items and requirements:

1. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
2. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
3. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
4. Provision for accommodation of pedestrian flow.
5. Location of construction staging areas.
6. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected.
7. A temporary construction fence to contain debris and material and to secure the site.
8. Provisions for removal of trash generated by project construction activity.
9. Dust control measures as set forth in these conditions of approval.
10. Noise control measures as set forth in these conditions of approval.
11. A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager.

26. Dust Control Measures.

During all construction activities.

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:

1. Watering all active construction areas as necessary to control dust;
2. Covering stockpiles of debris, soils or other material if blown by the wind;
3. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.
4. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); and
7. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways.

27. Construction Related Noise Control.

During all construction activities.

To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- a) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- b) An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- c) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- d) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- e) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to a bout 10 dBA. External jackets on the tools themselves shall be used

where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

f) Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

g) Pile driving and other extreme noise generators:

a. To further mitigate other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. A community meeting shall be held after the peer review but prior to approval of a noise reduction plan by the City. As special inspection deposit shall be determined by the Building Official, and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:

- i. Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.
- vi. A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:
 1. A procedure for notifying City Building Division staff and Oakland Police Department;
 2. A list of telephone numbers (during regular construction hours and off-hours);
 3. A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;

4. Designation of a construction complaint manager for the project; and
 5. Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities.
- h) The project sponsor shall research additional noise attenuating measures that can be reasonably implemented to reduce noise impacts to neighbors. The project sponsor shall prepare a plan for approval by the Planning Director prior to issuance of the demolition permit and shall be required to implement the approved plan. Pile driving for construction of the project is not allowed without application and approval to modify this use permit.

28. Construction Site Project Manager.

Ongoing.

The applicant shall ensure that a Project Manager is designated who will be responsible for responding to any complaints from the neighborhood about excessive noise or construction issues during construction periods, The Manager's home telephone number and identification photograph shall be conspicuously posted at the construction site. The Manager shall determine the cause of complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit.

29. Neighbor Noticing of Access Obstructions.

During all construction activities.

Construction vehicles, materials and other equipment shall not block the road so that neighbors would be adversely affected from getting to and from their properties. The applicant shall ensure that immediately adjacent property owners are notified in writing no less than 48 hours before any major delivery, hauling, detours, or lane closures related to the project's construction activities occur.

30. Site Maintenance.

During all construction activities.

The applicant shall ensure that debris and garbage is collected and removed from the site and surrounding area daily.

31. Approved Plans on Site.

During all construction activities.

At least one (1) copy of the approved above referenced plans that include the Approval Letter and Conditions of Approval for this project, shall be available for review at the job site at all times.

32. Best Management Practices.

During all construction activities.

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the

Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

33. State, Federal, or County Authority Environmental Approval.

Prior to issuance of any demolition, grading or building permit.

The applicant shall provide to the Planning and Zoning Division, written verification that the appropriate State, Federal or County authorities have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for all previous contamination at the site.

34. Hazardous Materials Assessment and Reporting Program.

Prior to issuance of any demolition, grading or building permit.

The applicant shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the City of Oakland Hazardous Material Assessment and Reporting Program, pursuant to City Ordinance No. 12323.

35. Soil Management Plan.

Prior to issuance of any demolition, grading or building permit.

The applicant shall submit all applicable documentation and plans required by the Regional Water Quality Control Board, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding remediation of any contaminated soil and groundwater identified on the site. These documents and plans shall be submitted to the Planning and Zoning Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit.

36. Asbestos Removal.

Prior to issuance of any demolition, grading or building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, written documentation that any asbestos containing materials (ACMs) have been removed from the project site prior to the start of any demolition activities. A licensed asbestos abatement firm in accordance with the BAAQMD's Regulation 11 shall conduct the removal of ACMs, Rule 2.

37. Lead Investigation and Removal.

Prior to issuance of any demolition, grading or building permits.

The applicant shall demonstrate to the satisfaction of the Office of Fire Department, Office of Emergency Services, that the site has been investigated for the presence of lead and does not contain hazardous levels of lead.

38. Cultural Resources found during Site Work and Construction.

Prior to issuance of any grading permits and throughout construction.

In accordance with the California Environmental Quality Act (CEQA) Section 15064.5, if the applicant discover any previously unidentified cultural resources during any onsite or offsite construction phase of the proposed project, the project applicant is required to cease work in the immediate area until such time as a qualified archaeologist and the City of Oakland can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this

goal, the contractor shall instruct the construction personnel on the project as to the potential for discovery of archeological, pre-historic, historic cultural, or human remains. The contractor shall ensure that all construction personnel understands the need for proper and timely reporting of such finds, and the consequences of any failure to report them. Any recommendations of the qualified archeologist shall be implemented prior to resumption of work in the affected area.

39. Public Improvements Plan (General).

Prior to issuance of a building permit.

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval and City requirements, including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above-ground utility structures, the design, specifications locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards, and any other improvements or requirements for the project as provided for in this approval. Encroachment permits shall be obtained as necessary for any applicable improvements. The Planning and Zoning Division, Building Services Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to issuance of certificate of occupancy.

40. Street Trees.

Prior to issuance of building permit.

The applicant shall provide street trees consistent with the Telegraph Avenue Pedestrian Streetscape Improvements Project, with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Office of Parks and Recreation and Building Services.

41. Payment for Public Improvements.

Prior to receiving first occupancy permit.

The applicant shall pay for and install public improvements made necessary by the project.

42. Master Signage Plan.

Prior to issuance of sign permit.

The applicant shall submit a Master Signage Plan for review and approval by the Planning and Zoning Division, showing areas of all proposed signage and establishing parameters for each tenant signage. Other than a project identification sign and directory, the only exterior signs permitted shall be for ground floor tenants.

APPROVED BY:

City Planning Commission: February 15, 2006 (date) _____ ayes, _____ noes (vote)