

**MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE OAK TO NINTH REDEVELOPMENT PROJECT**

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation ¹	Condition of Approval	Monitoring Responsibility ²	Monitoring Timeline
A. Land Use, Plans, and Policies					
A.1: The project would develop new and different uses and buildings immediately adjacent to and surrounding Fifth Avenue Point and may result in the physical division of an existing community. (PS)	A.1: The project applicant shall incorporate into the project site plan design elements that 1) address the relationship (setback, height and upper-story setbacks, etc.) of new buildings located adjacent to Fifth Avenue Point to minimize the physical division of the outparcels from the existing Oak-to-Ninth District; 2) provide safe, direct, and well-designed pedestrian and bicycle access between the outparcels and the new public open spaces, trails, and marina uses on the project site; 3) provide appropriate landscaping and/or other feature(s) to provide appropriate buffering between the outparcels and the project site, where necessary and feasible. The proposed Planned Waterfront Zoning District (PWD-1) regulations discussed in Impact A.2 shall incorporate, as appropriate, specific design standards to address the aforementioned elements in areas abutting Fifth Avenue Point.	Less than Significant	44	City of Oakland Planning and Zoning Department	Prior to approval of Final Development Plans and specifications for the respective Development Parcel
A.2: The project would not be consistent with the current existing Estuary Plan land use classification and zoning districts for the project site. (PS)	A.2a: The project sponsor shall apply for and obtain City approval for a General Plan Amendment to the Planned Waterfront Development-1 land use classification in the Estuary Policy Plan to 1) include residential as a permitted land use, 2) incorporate the density, FAR, and the other land use and development standards (as appropriate to include in the	Less than Significant	44	Project Sponsor; City Planning and Zoning Department	Concurrent with Rezoning

¹ This column describes the Level of Significance resulting from the Project, together with imposition of all reasonably feasible mitigation measures. For purposes of this Mitigation Monitoring and Reporting Program, “**Less Than Significant**” means that, under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b)(2)(A), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. “**Significant and Unavoidable**” means that, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines sections 15091(a)(3), 15092(b)(2)(B) and 15093, no mitigation measures are available, or specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR or elsewhere; these impacts are acceptable due to the overriding considerations being considered for adoption by the City. Under Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2) and 15092(b)(2)(A), where all or part of the mitigation measures are within the responsibility and jurisdiction of another public agency (including situations which require the cooperation of another public agency), and such changes either have been adopted by the other agency or can and should be adopted by such other agency, these impacts are also identified as “**Significant and Unavoidable.**”

² Compliance date, and inspection or field survey dates to be noted in this column by the responsible agency.

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	<p>General Plan) outlined in the proposed Planned Water Development-1 Zone-1, and 3) explicitly state the intended treatment of the Ninth Avenue Terminal. If approved, the General Plan Amendment would eliminate the project's inconsistency with the Estuary Policy Plan.</p>				
	<p>A.2b: The project sponsor shall apply for and obtain City approval for an amendment to the Oakland Planning Code to add the "Planned Waterfront Zoning District" (PWD-1) and associated regulations, and to amend the Oakland General Plan and Zoning Map to apply the PWD-1 District to the geographic area of the project site. The project would be required to adhere to the PWD-1 District regulations, development standards, design guidelines, and other requirements, including allowable uses, requirements for open space, streets, building heights, maximum densities, maximum commercial space, and parking. If approved, the change in zoning from the existing industrial (M-40 Zone) and special (S-2/S-4 Zone) districts to the PWD-1 District would eliminate the project's inconsistencies with the existing zoning as well as any zoning inconsistency with the General Plan.</p>		44	Project Sponsor; City Planning and Zoning Department	Concurrent with General Plan Amendment
<p>A.3: The project would introduce new land uses, and residential densities, and large building masses, forms, and significant height to the project site. The project may likely increase noise, light and glare, and traffic, and that may reduce or eliminate existing views from public vantage points. As a result, the project would result in a substantial change in existing environment and existing land uses. (PS)</p>	<p>A.3a: The project sponsor shall implement all mitigation measures identified throughout this EIR to address the significant physical impacts associated with the environmental changes that would occur as a result of the project, reducing each impact to less than significant, where feasible.</p>	Less than Significant	44	City Planning and Zoning Department	Throughout implementation of the project
	<p>A.3b: The project sponsor shall implement the specific regulations and standards of the proposed Planned Waterfront Zoning District (consistent with Mitigation Measures A.1 and A.2b), if approved. To specifically address the physical impacts resulting from the change in land use and environment in proximity to Fifth Avenue Point and adjacent residential development, the project shall adhere to the regulations and standards for allowable uses,</p>		44		

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	open space, streets, setbacks, building heights and upper-story stepbacks, maximum densities, maximum commercial space, pedestrian and bicycle access, and landscaping and buffering.				
B. Transportation, Circulation, and Parking					
B.1: Traffic generated by Phase 1 of the project would affect traffic levels of service at local intersections in the project vicinity in 2010.					
B.1a: Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of <i>Embarcadero and Oak Street</i> , and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant. (S)	B.1a: Install traffic signals at the unsignalized intersection of Embarcadero and Oak Street. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include the traffic signal equipment and optimization of signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall include pedestrian signal heads (with adequate time for pedestrians to cross the streets). Signal installation shall meet City of Oakland and Caltrans design standards.	Less than Significant			18
B.1b: The LOS F conditions at the signalized intersection of <i>5th Street and Broadway</i> , which would prevail during the PM peak hour under 2010 baseline conditions, would worsen with the addition of traffic generated by Phase 1 of the project. The project-generated increases in vehicle delay on a critical movement would exceed the four-second threshold of significance. (SU)	No feasible mitigation measures are available that would fully improve operations at 5th Street and Broadway to acceptable levels. While improvements such as reconfiguring lanes on Broadway and adding directional signage, as discussed in the JLS EIR, would improve traffic flow conditions on some movements, downstream bottlenecks in the Webster Tube would continue to cause substantial backups and delay on 5th Street approaching Broadway, and the previously described unacceptable LOS F conditions would continue. The constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible	Significant and Unavoidable			

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	measures to increase the tube's capacity have been identified to date (e.g., the tube cannot simply be widened as can a roadway).				
B.1c: The signalized intersection of <i>6th and Jackson Streets at the I-880 Northbound On-Ramp</i> would degrade from LOS E to LOS F during the PM peak hour with the addition of traffic generated by Phase 1 of the project. (SU)	B.1c: Optimize the traffic signal timing at the signalized intersection of <i>6th and Jackson Streets at the I-880 Northbound On-Ramp</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	This project impact would be significant and unavoidable because it is not certain that the measure could be implemented (because the City of Oakland, as lead agency, could not implement Measure B.1c without the approval of Caltrans. However, in the event that Mitigation Measure B.1c could be implemented, the impact would be less than significant.	18		
B.1d: Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of <i>Embarcadero and 5th Avenue</i> , and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the PM peak hour. (S)	B.1d: Install traffic signals at the unsignalized intersection of <i>Embarcadero and 5th Avenue</i> . The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include the traffic signal equipment and optimization of signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall include pedestrian signal heads (with adequate time for pedestrians to cross the streets). Signal installation shall meet City of Oakland and Caltrans design standards.	Less than Significant	18		
B.1e: Traffic generated by Phase 1 of the project would add more than ten vehicles to the unsignalized intersection of <i>Embarcadero and I-880 Northbound Off-Ramp – 6th Avenue</i> , and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant, during the PM peak hour. (SU)	B.1e: Install traffic signals at the unsignalized intersection of <i>Embarcadero and I-880 Northbound Off-Ramp – 6th Avenue</i> . Installation of traffic signals shall include the traffic signal equipment and optimization of signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall include pedestrian signal heads (with adequate time for pedestrians to cross the streets). Signal installation shall meet City of Oakland and Caltrans design	This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.1e without the approval of Caltrans. However, in the event that Mitigation Measure B.1e could be implemented, the impact would be less than significant.	18		

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<p>B.2: Traffic generated by buildout of the project would affect traffic levels of service at local intersections in the project vicinity in 2025.</p>	<p>standards.</p> <p>B.2a: The project applicant shall pay its fair share contribution to the cost of improvements proposed by the City of Alameda at the signalized intersection of Atlantic Avenue and Webster Street. Intersection reconfiguration would consist of adding and restriping lanes to provide the following lanes per approach:</p> <ul style="list-style-type: none"> • Webster Street (from Oakland) – 1 Left-turn lane, 2 Through lanes, and 1 Right-turn lane (non-channelized right turn) • Webster Street (to Oakland) – 2 Left-turn lanes, 1 Through lane, and 1 Through/Right-turn lane • Atlantic Avenue (towards Alameda Point) – 1 Left-turn lane, 1 Through lane, and 1 Through/Right-turn lane • Atlantic Avenue (away from Alameda Point) – 2 Left-turn lanes, 2 Through lanes, and 1 Right-turn lane 	<p>This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2a without the approval of the City of Alameda). However, in the event that Mitigation Measure B.2a could be implemented, the impact would be less than significant.</p>	<p>18</p>		
	<p>This mitigation measure was identified by the City of Alameda as the required improvement to accommodate redevelopment of the former Naval Air Station. The project would contribute to the implementation of this mitigation measure through payment of a fair share cost of the improvement (to be determined). During the AM and PM peak hours, the project's contribution to the estimated growth in traffic between the existing and cumulative traffic volumes (including project traffic). would be 5 and 6 percent, respectively. The project applicant would pay this fair share amount to the City of Alameda, which would then be responsible for the implementation of this improvement.</p>				

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<p>B.2b: Traffic generated by buildout of the project would add more than ten vehicles to the unsignalized intersection of <i>Embarcadero and Broadway</i>, and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the PM peak hour. (S)</p>	<p>B.2b: Install traffic signals at the unsignalized intersection of <i>Embarcadero and Broadway</i>. The signals shall have fixed-time controls with permitted left-turn phasing, which would not require a separate left-turn arrow. Installation of traffic signals shall include the traffic signal equipment and optimization of signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall include pedestrian signal heads (with adequate time for pedestrians to cross the streets). Signal installation shall meet City of Oakland and Caltrans design standards.</p>	Less than Significant	18		
<p>B.2c: The LOS F conditions at the signalized intersection of <i>5th Street and Broadway</i>, which would prevail during the PM peak hour under 2025 baseline conditions, would worsen with the addition of traffic generated by buildout of the project. The project-generated increases in vehicle delay would exceed the two-second threshold of significance. (SU)</p>	<p>No feasible mitigation measures are available that would fully improve its operations to acceptable levels. While improvements such as reconfiguring lanes on Broadway and adding directional signage, as discussed in the JLS EIR, would improve traffic flow conditions on some movements, downstream bottlenecks in the Webster Tube would continue to cause substantial backups and delay on 5th Street approaching Broadway, and the previously described unacceptable LOS F conditions would continue. The constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible measures to increase the tube's capacity have been identified to date (e.g., the tube cannot simply be widened as can a roadway).</p>	Significant and Unavoidable			
<p>B.2d: The signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i> would degrade from LOS E to LOS F during the PM peak hour with the addition of traffic generated by buildout of the project. (SU)</p>	<p>B.2d: Optimize the traffic signal timing for the PM peak period at the signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i>. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.</p>	<p>This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2d without the approval of Caltrans. However, in the event that Mitigation</p>	18		

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		Measure B.2d could be implemented, the impact would be less than significant.			
B.2e: The signalized intersection of <i>6th and Jackson Streets at the I-880 Northbound On-Ramp</i> would degrade from LOS E to LOS F during the AM peak hour with the addition of traffic generated by buildout of the project, and the LOS F conditions that, which would prevail during the PM peak hour under 2025 baseline conditions, would worsen (total intersection average vehicle delay would exceed the two-second threshold of significance) with the addition of traffic generated by buildout of the project. (SU)	No feasible mitigation measures are available. The 2010 analysis concluded that the impact from Phase 1 development could be mitigated through optimization of signal timing (see Mitigation Measure B.1c). However, with the additional growth in background traffic and the growth in project traffic that would occur from 2010 to 2025, this retiming could not fully mitigate the impact from Project Buildout. Given the constrained right-of-way at this location, the addition of turn lanes or other similar improvements would not be feasible.	Significant and Unavoidable			
B.2f: The LOS F conditions at the signalized intersection of <i>West Grand Avenue and Harrison Street</i> , which would prevail during the AM peak hour under 2025 baseline conditions, would worsen (total intersection average vehicle delay would exceed the two-second threshold of significance) with the addition of traffic generated by buildout of the project. (S)	B.2f: Optimize the traffic signal timing for the AM peak period at the signalized intersection of <i>West Grand Avenue and Harrison Street</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Less than Significant	18		
B.2g: The LOS E conditions at the signalized intersection of <i>Lakeshore Avenue and Foothill Boulevard</i> , which would prevail during the AM peak hour under 2025 baseline conditions, would worsen (an increase in the total intersection average vehicle delay of more than four seconds) with the addition of traffic generated by buildout of the project. (S)	B.2g: Optimize the traffic signal timing for the AM peak period at the signalized intersection of <i>Lakeshore Avenue and Foothill Boulevard</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Less than Significant	18		
B.2h: The LOS F conditions at the signalized intersection of <i>Lakeshore Avenue and MacArthur Boulevard</i> , which would prevail during the PM peak hour under 2025 baseline conditions, would worsen (an increase in the average vehicle delay for a critical movement of more than four seconds) with the addition of traffic generated by buildout of the project. (SU)	No feasible mitigation measures are available. Assessment of possible mitigation measures indicates that optimization of signal timing at this intersection would reduce average vehicle delays by about 15 seconds, but would not fully mitigate the project's impact. Other improvements, such as additional turn lanes, do not appear feasible given the constrained right-of-way at the intersection.	Significant and Unavoidable			
B.2i: The LOS E conditions at the signalized intersection of <i>Lakeshore Avenue and Lake</i>	B.2i: Optimize the traffic signal timing for the PM peak period at the signalized intersection of	Less than Significant	18		

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<i>Park Avenue</i> , which would prevail during the PM peak hour under 2025 baseline conditions, would worsen (an increase in the average vehicle delay for a critical movement of more than six seconds) with the addition of traffic generated by buildout of the project. (S)	<i>Lakeshore Avenue and Lake Park Avenue.</i> Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.				
B.2j: The LOS F conditions at the intersection of <i>Embarcadero and 5th Avenue</i> , which would prevail during the PM peak hour under 2025 baseline unsignalized conditions, would continue under traffic signal control (installed by 2010 [see Mitigation Measure B.1d]) with the addition of traffic generated by buildout of the project. (S)	B.2j: Widen <i>Embarcadero</i> to provide two through travel lanes in each direction along the project site frontage (i.e., from north of 4th Avenue to 9th Avenue), with separate left-turn lanes provided at the intersections, and provide appropriate lane configurations on the streets that intersect <i>Embarcadero</i> within the above-cited limits.	Less than Significant			18
B.2k: The intersection of <i>Embarcadero and I-880 Northbound Off-Ramp</i> (to be signalized by 2010 [see Mitigation Measure B.1e]) would degrade from LOS B to LOS F during the PM peak hour with the addition of traffic generated by buildout of the project. (S)	B.2k: Implement Mitigation Measure B.2j.	Less than Significant			
B.2l: Traffic generated by buildout of the project would add more than ten vehicles to the unsignalized intersection of <i>Embarcadero and I-880 Southbound On-Ramp – 10th Avenue</i> , and the peak-hour volumes would meet the Caltrans peak-hour traffic signal warrant during the PM peak hour. (SU)	B.2l: Install traffic signals at the unsignalized intersection of <i>Embarcadero and I-880 Southbound On- Ramp – 10th Avenue</i> . Installation of traffic signals shall include the traffic signal equipment and optimization of signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall include pedestrian signal heads (with adequate time for pedestrians to cross the streets). Prior to the installation of this traffic signal, a complete traffic signal warrant analysis would be conducted at this location to verify that this location meets MUTCD signal warrants, which include both daily and peak-hour volume, accidents, and pedestrian volumes. Signal installation shall meet City of Oakland and Caltrans design standards.	This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2l without the approval of Caltrans. However, in the event that Mitigation Measure B.2l could be implemented, the impact would be less than significant.			18
B.2m: The signalized intersection of <i>5th Avenue and 7th/8th Streets</i> would degrade from LOS D	B.2m: Optimize the traffic signal timing for the PM peak period at the signalized intersection of	Less than Significant			18

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to LOS F during the PM peak hour with the addition of traffic generated by buildout of the project. (S)	5th Avenue and 7th/8th Streets. Additionally, the westbound and eastbound (5th Avenue) approaches of the intersection would be restriped within the current paved approach, and on-street parking spaces adjacent to the intersection would be removed, to provide separate left-turn, through, and through/right-turn lanes. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.				
B.2n: The signalized intersection of <i>14th Avenue and 7th/12th Streets (Southbound)</i> would degrade from LOS E to LOS F during the PM peak hour with the addition of traffic generated by buildout of the project. (S)	B.2n: Optimize the traffic signal timing for the PM peak period at the signalized intersection of <i>14th Avenue and 7th/12th Streets (Southbound)</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Less than Significant	18		
B.2o: The signalized intersection of <i>Foothill Boulevard and 14th Avenue (Westbound)</i> would degrade from LOS D to LOS E during the AM peak hour with the addition of traffic generated by buildout of the project. (S)	B.2o: Optimize the traffic signal timing for the AM peak period at the signalized intersection of <i>Foothill Boulevard and 14th Avenue (Westbound)</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Less than Significant	18		
B.2p: The LOS F conditions at the signalized intersection of <i>Foothill Boulevard and 14th Avenue (Eastbound)</i> , which would prevail during the PM peak hour under 2025 baseline conditions, would worsen (total intersection average vehicle delay would exceed the two-second threshold of significance) with the addition of traffic generated by buildout of the project. (S)	B.2p: Optimize the traffic signal timing for the AM peak period at the signalized intersection of <i>Foothill Boulevard and 14th Avenue (Eastbound)</i> . Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.	Less than Significant	18		
B.2q: The LOS E conditions at the signalized intersection of <i>16th Street and 23rd Avenue</i> , which would prevail during the PM peak hour under 2025 baseline conditions, would worsen	B.2q: Optimize the traffic signal timing for the PM peak period at the signalized intersection of <i>16th Street and 23rd Avenue</i> . Optimization of traffic signal timing shall include determination of	Less than Significant	18		

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(an increase in the average vehicle delay for a critical movement of more than six seconds) with the addition of traffic generated by buildout of the project. (S)	allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.				
B.3: Traffic generated by buildout of the project would contribute to cumulatively significant impacts at local intersections in the project vicinity in 2025.					
B.3a: Traffic generated by buildout of the project would contribute at least five percent of the cumulative traffic increases at the signalized intersection of <i>Atlantic Avenue and Webster Street</i> in Alameda during the AM and PM peak hours, as measured by the difference between existing and cumulative (with project) conditions. (SU)	B.3a: Implement Mitigation Measure B.2a (contribute fair-share contribution to intersection improvements proposed by the City of Alameda).	This cumulative impact would be significant and unavoidable , both because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2a without the approval of the City of Alameda), and because even though the increased average delay for the above-described mitigated condition would be less than the threshold of significance established by the City of Oakland, implementation of Mitigation Measure B.2a would not reduce volumes at this intersection, and the project's percent contribution would remain cumulatively considerable.			
B.3b: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of <i>Embarcadero and Broadway</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3b: Implement Mitigation Measure B.2b (install traffic signals).	Less than Significant			
B.3c: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th Street and Broadway</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (SU)	No feasible mitigation measures are available that would fully improve its operations to acceptable levels. While improvements such as reconfiguring lanes on Broadway and adding directional signage, as discussed in the JLS EIR, would improve traffic flow conditions on some movements, downstream bottlenecks in	Significant and Unavoidable			

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(with project) conditions. (SU)	the Webster Tube would continue to cause substantial backups and delay on 5th Street approaching Broadway, and the previously described unacceptable LOS F conditions would continue. The constrained capacity of the tube is an issue of multi-jurisdictional concern (solutions are being explored by the cities of Oakland and Alameda, Caltrans, and the Alameda County Congestion Management Agency), and no feasible measures to increase the tube's capacity have been identified to date (e.g., the tube cannot simply be widened as can a roadway).				
B.3d: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th and Oak Streets at the I-880 Southbound On-Ramp</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (SU)	B.3d: Implement Mitigation Measure B.2d (optimize traffic signal timing).				
B.3e: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>6th and Jackson Streets at the I-880 Northbound On-Ramp</i> during the AM and PM peak hours, as measured by the difference between existing and cumulative (with project) conditions. (SU)	No feasible mitigation measures are available. The 2010 analysis concluded that the impact from Phase 1 development could be mitigated through optimization of signal timing (see Mitigation Measure B.1c). However, with the additional growth in background traffic and the growth in project traffic that would occur from 2010 to 2025, this retiming could not fully mitigate the impact from Project Buildout. Given the constrained right-of-way at this location, the addition of turn lanes or other similar improvements would not be feasible.				
B.3f: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>Lakeshore Avenue and Foothill Boulevard</i> during the AM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (SU)	B.3f: Implement Mitigation Measure B.2g (optimize traffic signal timing).				

This cumulative impact would be **significant and unavoidable** because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2d without the approval of Caltrans. However, in the event that Mitigation Measure B.2d could be implemented, the impact would be less than significant.

Significant and Unavoidable

This cumulative impact would be **significant and unavoidable** because even though the increased average delay for the above-described mitigated condition would be less than the threshold of significance established by the City of

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		Oakland, implementation of Mitigation Measure B.2g would not reduce volumes at this intersection, and the project's percent contribution would remain cumulatively considerable.			
B.3g: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of Lakeshore Avenue and MacArthur Boulevard during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (SU)	No feasible mitigation measures are available. Assessment of possible mitigation measures indicates that optimization of signal timing at this intersection would reduce delays, but would not fully mitigate the project's impact. Other improvements (to achieve an acceptable LOS D or better condition), such as additional turn lanes, are not feasible because there is not sufficient right-of-way available for additional lanes at the intersection.	Significant and Unavoidable			
B.3h: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>Lakeshore Avenue and Lake Park Avenue</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3h: Implement Mitigation Measure B.2i (optimize traffic signal timing).	Less than Significant			
B.3i: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of <i>Embarcadero and 5th Avenue</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3i: Implement Mitigation Measure B.2j (widen Embarcadero).	Less than Significant			
B.3j: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of <i>Embarcadero and I-880 Northbound Off-Ramp</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3j: Implement Mitigation Measure B.2j (widen Embarcadero).	Less than Significant			
B.3k: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the unsignalized intersection of <i>Embarcadero and I-880 Southbound On-Ramp</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions.	B.3k: Implement Mitigation Measure B.2l (install traffic signals).	This cumulative impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure B.2l without the approval			

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(SU)		of Caltrans. However, in the event that Mitigation Measure B.2l could be implemented, the impact would be less than significant.			
B.3l: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>5th Avenue and 7th/8th Streets</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3l: Implement Mitigation Measure B.2m (optimize traffic signal timing).	Less than Significant			
B.3m: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>14th Avenue and 7th/East 12th Streets (Southbound)</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (SU)	B.3m: Implement Mitigation Measure B.2n (optimize traffic signal timing).	This cumulative impact would be significant and unavoidable because even though the average delay for the above-described mitigated condition would be lower than under the No Project condition, implementation of Mitigation Measure B.2n would not reduce volumes at this intersection, and the project's percent contribution would remain cumulatively considerable.			
B.3n: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>Foothill Boulevard and 14th Avenue (Westbound)</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3n: Implement Mitigation Measure B.2o (optimize traffic signal timing).	Less than Significant			
B.3o: Traffic generated by buildout of the project would contribute more than five percent of the cumulative traffic increases at the signalized intersection of <i>16th Street and 23rd Avenue</i> during the PM peak hour, as measured by the difference between existing and cumulative (with project) conditions. (S)	B.3o: Implement Mitigation Measure B.2q (optimize traffic signal timing).	Less than Significant			
B.4: The project would generate demand for alternative transportation service for the area. (PS)	B.4a: The project applicant shall redesign the project site plan to include transit facilities, including bus turnouts on the Embarcadero at a minimum, to ensure that bus service could be accommodated if agreement with AC Transit	Less than Significant	22		

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	were to be met to extend service to the project site. Additional facilities would include bus stops within the project, or even a dedicated transit center at which public buses and/or private shuttles could stop.				
	B.4b: The project applicant shall operate a private shuttle service to complement AC Transit service that might be extended to the project site. The shuttle service shall run between the project site and nearby activity centers and transit nodes (e.g., Lake Merritt BART station) with an adequate number of shuttle stops located onsite, and shall operate on a frequency sufficient to attract use of the service by project residents and employees.		22		
B.5: The project would create demand for bicycle parking. (LTS)	None Required.				
B.6: The project would increase the potential for pedestrian safety conflicts. (LTS)	None Required.				
B.7: The project would increase the potential for conflicts among different traffic streams. (S)	B.7: The project applicant shall redesign the site plan as follows:	Less than Significant		City Traffic Engineering Department, Public Works Agency; Planning and Zoning Department	Prior to approval of Final Development Plans and specifications for the respective Development Parcel
	<ul style="list-style-type: none"> • Reconfigure the intersections of Embarcadero/7th Avenue and Embarcadero/9th Avenue intersection for right-in/right-out movements only (to ensure proper spacing between signalized intersections). • Install a traffic signal at the intersection of Embarcadero and 8th Avenue. • Install signal interconnect on Embarcadero between 5th and 10th Avenues to allow for coordination of traffic signals along Embarcadero (to minimize queuing [back-ups] on Embarcadero). • The design of pedestrian facilities including sidewalks, crosswalks, and curb ramps shall 				

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	<p>comply with ADA standards and other applicable legislation.</p> <ul style="list-style-type: none"> Maintain or reconstruct the fence along the Embarcadero that limits access to the railroad tracks adjacent to the project site. Install additional bicycle and pedestrian warning signage at the existing at-grade crossing along 5th Avenue. 				
B.8: The project would contribute to 2010 changes to traffic conditions on the regional and local roadways. (LTS)	None Required.				
B.9: The project would contribute to 2025 changes to traffic conditions on the regional and local roadways. (SU)	Direct mitigation of the project's significant impact on the freeway segment is not feasible. Factors that limit the mitigation of impacts include constrained right-of-way, no regional or local traffic impact fee mechanism to collect and disperse funds for roadways improvements, and the inherent difficulties with widening the freeways, such as the need to widen over crossings and structures adjacent to the freeway.	Significant and Unavoidable			
B.10: Project construction would temporarily affect traffic flow and circulation, parking, and pedestrian safety. (PS)	<p>B.10: Prior to initiation of each phase of development, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland and non-City agencies (e.g., Caltrans) to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> A set of comprehensive traffic control measures, including scheduling of major 	Less than Significant	37	City Traffic Engineering Department, Public Works Agency; Planning and Zoning Department	Prior to issuance of the first building permit for the respective Development Parcel.

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	<p>truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction staging plan for any right-of-way used on the Embarcadero, including sidewalk and lane intrusions and/or closures.</p> <ul style="list-style-type: none"> ● Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. ● Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site). ● Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant. ● Temporary construction fences to contain debris and material and to secure the site. ● Provisions for removal of trash generated by project construction activity. ● A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. ● Provisions for monitoring surface streets used for truck routes so that any damage and debris attributable to the trucks can be identified and corrected. ● Provisions for coordination with BART to reduce, as needed, adverse effect on 				

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	access to the Lake Merritt BART Station.				
C. Air Quality and Meteorological Conditions					
C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. (PS)	<p>C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD’s basic and enhanced dust control procedures required for sites larger than four acres (aggregate):</p> <p>Basic Control Measures – The following controls should be implemented at all construction sites:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas and staging area at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>Enhanced Control Measures – The following measures shall be implemented during project construction because the site is greater than four acres in area:</p> <ul style="list-style-type: none"> • All “Basic” control measures listed above. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 	Less than Significant	37	City Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel

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	<p>15 miles per hour.</p> <ul style="list-style-type: none"> • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. <p>The following control measures shall be implemented during project construction because the site is large in area and located near sensitive receptors:</p> <ul style="list-style-type: none"> • Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. • Install wind breaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas. • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour. • Limit the area subject to excavation, grading and other construction activity at any one time. <p>C.1b: Demolition and disposal of any asbestos containing building material would be in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD's regulations.</p>			City Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel
C.2: The project would result in an increase in regional ROG, NOx, and PM emissions due to project-related traffic. (LTS)	None Required.				
C.3: Project traffic would increase localized carbon monoxide concentrations at intersections in the project vicinity. (LTS)	None Required.				
C.4: Operation of project facilities would produce objectionable odors that would affect a substantial number of people. (LTS)	None Required.				
C.5: Construction and operation of the project would expose existing sensitive receptors in the	None Required.				

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project vicinity and planned multifamily residential land uses associated with the project to health risks from diesel emissions. (LTS)	None Required.	With implementation of the above mitigation measures, the cumulative air quality impact would be significant and unavoidable . Based on the effectiveness of these measures as determined by the BAAQMD, the above mitigation measures would reduce the operational impacts of the project by reducing motor vehicle trips by the project by 15 to 20 percent (BAAQMD, 2004). However, no feasible mitigation is available to reduce the residual impact to a less than significant level.	22	City Public Works Agency	See C.7a through C.7k, below.
C.6: The proposed project could result in hazardous wind conditions. (LTS)				City Public Works Agency	
C.7: The project together with anticipated future cumulative development in Oakland and the Bay Area in general would contribute to regional air pollution. (SU)	C.7: To reduce the significance of the operational impacts of the project, the project sponsor shall, as feasible and practical, implement a combination of the following mitigation measures: <i>Rideshare Measures</i>				
	C.7a: Encourage all tenants (commercial and residential) at the site to implement carpool/ vanpool programs (e.g., carpool, ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, guaranteed ride home program, etc.). Distribute information about the Alameda County Congestion Management Agency's Guaranteed Ride Home Program to tenants of the building to facilitate alternative transportation modes. As part of the program, a person who uses an alternate mode of travel, including transit or a carpool, is provided with free taxi service in the case of unexpected circumstances. These circumstances might include unscheduled overtime or a family illness or emergency.	22	City Public Works Agency		
	C.7b: Encourage commercial tenants to implement employee rideshare incentive programs providing cash payments or pre-paid fare media such as transit passes or coupons.		City Public Works Agency		
	<i>Transit Measures</i>				

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	C.7c: Construct transit facilities, such as bus turnouts/bus bulbs, benches, shelters, etc., as determined appropriate by AC Transit, consistent with Transit Mitigation Measure B.4a.		22	City Public Works Agency	
	C.7d: Encourage commercial tenants to meet standard, minimum employee ridesharing requirements or to provide incentives to encourage employees to rideshare.		22	City Public Works Agency	
	C.7e: Encourage commercial tenants to implement a parking cash-out program for employees (e.g., non-driving employees receive transportation allowance equivalent to the value of subsidized parking).		22	City Public Works Agency	
	<i>Shuttle Measures</i>				
	C.7f: The project applicant shall operate a private shuttle service between the project site and nearby activity centers and transit nodes (e.g., Lake Merritt BART station) with an adequate number of shuttle stops located onsite, and on a frequency sufficient to attract use of the service by project residents and employees		22	City Public Works Agency	Prior to approval of Final Development Plans and specifications for the respective Development Parcel; within three months following the issuance of a Certificate of Occupancy of the 300th residential dwelling on the project site; every two years thereafter until the Planning Director determines the shuttle service is no longer necessary.
	<i>Bicycle and Pedestrian Measures</i>				
	C.7g: Provide bicycle lanes and/or paths, connected to the community-wide network.		22		
	C.7h: Provide secure, weather-protected bicycle parking for employees.		22		
	C.7i: Provide direct, safe, attractive pedestrian and bicycle access to transit stops and adjacent development.		22		

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	C.7j: Provide adequate street lighting within the street right of way immediately adjacent to and within the project site.				
	C.7k: Provide secure short-term bicycle parking for retail customers and other non-commute trips.				
D. Hydrology and Water Quality					
D.1: Project construction would involve activities (excavation, soil stockpiling, boring and pile driving, grading, and dredging, etc.) that would generate loose, erodable soils that, if not properly managed, could violate any water quality standards or waste discharge requirements; result in substantial erosion or siltation; create or constitute substantial polluted runoff; or otherwise substantially degrade water quality. (PS)	D.1: The project sponsor shall comply with all NPDES requirements, RWQCB General Construction Permit requirements, and all City regulations and Creek Protection Permits requirements.	Less than Significant	23	City Building Services Department; City Planning and Zoning Department	
D.2: Project construction activities would include dredging in Clinton Basin, which could require disturbance, removal, and disposal of contaminated sediment that may result in adverse impacts to aquatic organisms and water quality. (PS)	D.2: The project sponsor shall obtain and comply with all water quality certification and requirements required for dredging activities, which shall include a Section 404 permit process pursuant to the Army Corps of Engineers (Corps) and pursuant to the oversight, permitting, and approval of the Dredged Material Management Office (DMMO).	Less than Significant	23	City Building Services Department; City Planning and Zoning Department	
D.3: Development of the project would result in a substantial decrease in impervious area. The project would implement post-construction BMPs to increase stormwater infiltration; to treat and direct stormwater runoff or discharge into a stormwater system and the estuary; and to prevent illicit discharge. Therefore, the project would not violate regulatory water quality standards or waste requirements. (LTS)	None Required / Beneficial Effect.	Less than Significant / Beneficial Effect.			
D.4: Project operation would involve increased use of the marinas at the project site. As required by the RWQCB, the project design would incorporate post construction BMPs to treat stormwater and control discharge of wastes from the vessels used at the marinas. Therefore, the project would not violate water quality standards or waste discharge requirements. (LTS)	None Required.				

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<p>D.5: Site development under the project would involve new landscaping and open lawns. If not properly handled, chemicals used to establish and maintain landscaping and open lawn areas, such as pesticides and fertilizers, could flow into the waterways and result in water quality impacts to the Oakland Estuary, and eventually San Francisco Bay. (PS)</p>	<p>D.5: The project sponsor shall prepare a landscape management plan (LMP) for all public open spaces that includes, but is not necessarily limited to, a description of application, storage, and safety measures involving the use of pesticides and fertilizers. The LMP shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Transportation and storage: Pesticides and fertilizers shall be transported and stored as per state and federal guidelines. They shall be stored in designated bermed areas onsite. • Pesticide Application: Pesticides and fertilizers shall be handled and applied according to the procedures set by the manufacturer. The LMP shall address methods to optimize and reduce the use of pesticides and fertilizers and present strategies to incorporate environmentally-safe (organic) pest and growth enhancement materials. These strategies shall address eventually eliminating the use of chemicals such as diazinon that harm water quality. The RWQCB has found that the pesticides have a reasonable potential to cause or contribute to exceedances of water quality standards. Therefore, the NPDES permit requires the City of Oakland (as a permittee) to address pesticides. The project sponsor shall adhere to the Diazinon Pollutant Reduction Plan or the Pesticide Plan submitted by the ACCWP to the RWQCB. The goals of the Pesticide Plan and of its resulting implementing actions are to reduce or substitute pesticide use (especially diazinon use) with less toxic alternatives (ACCWP, 2003). • The Plan shall identify pesticide and fertilizer application schedules. • Container Disposal: The contractor shall dispose of empty containers carefully. The containers shall never be disposed 	Less than Significant	23	<p>City Building Services Department; City Public Works Agency</p>	<p>Prior to approval of Final Development Plans</p>

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	at locations that would contaminate natural waterways. The LMP and its recommendations for use, control, and eventual reduction of nonorganic pesticide and fertilizer use shall be approved by the City prior to installing the landscape and shall be implemented throughout the life of the project.				
D.6: The project sponsor could deplete groundwater supplies or interfere with groundwater recharge and cause contamination of surface. (PS)	D.6: The project sponsor shall comply with NPDES permit requirements by the RWQCB for dewatering activities.	Less than Significant	23		
D.7: The project would not result in flooding due to its proximity to a 100-year flood hazard area, or expose people or property to other substantial risks related to flooding, seiche, tsunami, or mudflow. (LTS)	None Required.				
D.8: The project would result in a net decrease in impervious surfaces and would reconfigure and stabilize the shoreline along the project site, thereby decreasing the volume of stormwater runoff. Therefore the project would not increase runoff and result in substantial flooding on or offsite, or exceed the capacity of the existing stormwater drainage system. (LTS)	None Required / Beneficial Effect.	Less than Significant / Beneficial Effect			
D.9: The increased construction activity and new development resulting from the project, in conjunction with population and density of other foreseeable development in the city, would not result in cumulative impacts with respect to hydrology and water quality. (LTS)	None Required.				
E. Cultural Resources					
E.1: Construction of the project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries. (PS)	E.1a: An archival cultural resource evaluation shall be implemented prior to the start of construction or other ground-disturbing activities to identify whether historic or unique archaeological resources exist within the project site. The archival cultural resource evaluation, or "sensitivity study," shall be conducted by a cultural resource professional approved by the City and who meets the Secretary of the	Less than Significant	25, 37	City Planning and Zoning Department; City Building Services Department	During all construction or other ground-disturbing activities

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	<p>Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology.</p> <p>The purpose of the archival cultural resource evaluation is to: (1) identify documentation and studies to determine the presence and location of potentially significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource under CEQA Guidelines Section 15064.5 or a unique archaeological resource under CEQA Section 21083.2(g); (3) guide additional archaeological work, potentially including pre-construction subsurface archaeological investigation if warranted, to recover the information potential of such deposits; and (4) define an archaeological monitoring plan, if warranted. A pre-construction meeting shall occur with the cultural resource professional and the City regarding the findings of the evaluation, and shall include consultation with and considerations of the Department of Toxic Substances (DTSC), the Lead Agency for the environmental cleanup activities on the project site. If excavation is the only feasible means of data recovery, such excavation shall be in accord with the provisions of CEQA Guidelines Section 15126.4(b)(3)(C). Any additional archaeological work and or monitoring shall be pursuant to a plan approved by the City. If a pre-constructing testing program is deemed necessary by the qualified professional as a result of the archival study, it shall be guided by the archival study and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate).</p> <p>If monitoring of any areas during ground disturbing activities is determined to be required based on the results of the archival evaluation and the pre-construction testing, the monitoring will be conducted by a qualified cultural resources professional and the monitoring plan will include appropriate provisions for evaluating any archaeological deposits, consultation with</p>				

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	<p>the City, and any necessary data recovery program.</p> <p>Mitigation Measure E.1b: Prior to the commencement of ground distributing activities, all construction personnel shall receive environmental training from a cultural resource professional approved by the City and who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology. The purpose of the environmental training is to inform all construction personnel of the possibility of encountering historical resources. All construction personnel specifically involved in onsite activities that may uncover prehistoric resources shall be trained in the identification of prehistoric resources and immediate actions required if potential resources are found.</p>		25, 37	City Planning and Zoning Department; City Building Services Department	Prior to commencing any construction or other ground-disturbing activities
	<p>Mitigation Measure E.1c: Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project proponent and/or lead agency shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p>		25, 37	City Planning and Zoning Department; City Building Services Department	During all construction or other ground-disturbing activities

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	<p>Mitigation Measure E.1d: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.</p>		25, 37	<p>City Planning and Zoning Department; City Building Services Department; Alameda County Coroner</p>	<p>During all construction or other ground-disturbing activities; immediately upon determination by qualified archaeologist of human remains discovery in the respective Development Parcel.</p>
<p>E.2: The project may adversely affect unidentified paleontological resources at the</p>	<p>E.2: The project sponsor shall notify a qualified paleontologist of unanticipated discoveries, who</p>	Less than Significant	25, 37	<p>City Planning and Zoning Department;</p>	<p>During all construction or other</p>

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site. (PS)	<p>shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. In the event of an unanticipated discovery of a breas, true, and/or trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 2004)). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The paleontologist shall submit the excavation plan to the City for review and approval.</p>			City Building Services Department	ground-disturbing activities
E.3: The project would result in the substantial demolition of the Ninth Avenue Terminal, which is an historic resource as defined in CEQA Guidelines Section 15064.5. (SU)	<p>E.3a: Photograph the affected historic resource through large-format, black and white photographs meeting the Photographic Specifications of the Historic American Building Survey (HABS). The documentary photographs would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper of the Oakland Landmark and S-7 Preservation Combining Zone Application Form for the Ninth Avenue Terminal. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey. Even with extensive documentation, however, the demolition of a substantial portion of the building would result in the permanent loss of the historic resource that is associated with Oakland's history.</p>	Significant and Unavoidable	25, 37	City Planning and Zoning Department; City Building Services Department	Within 12 months of the effective date of the adoption of the conditions of approval for the Development Parcel that includes the Ninth Avenue Terminal, or prior to demolition activities on said Development Parcel
	<p>E.3b: Although the historic resource would no longer retain its historic significance, adaptive use and rehabilitation of the Bulkhead Building would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The current concept depicts a design that appears to comply, although their</p>	Significant and Unavoidable	25	City Planning and Zoning Department; City Building Services Department	

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E.4: The project would substantially alter the wharf structure supporting the Ninth Avenue Terminal and surrounding areas, which is an historic resource, as defined in CEQA Guidelines Section 15064.5. (SU)	(See E.3a and E.3b.)	Significant and Unavoidable		City Planning and Zoning Department; City Building Services Department	See E.3a and E.3b, above.
E.5: The project would construct a new mixed-use, multi-story development within approximately 100 feet of the remaining Bulkhead Building which may not be architecturally compatible with this structure as a potential future Oakland City Landmark. (SU)		Significant and Unavoidable			
E.6: The project would demolish the remaining buildings on the project site(LTS)	None Required.				
E.7: The project would construct a new mixed-use, multi-story development, diminishing the industrial character of the project site and	None Required.				

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vicinity, and altering the existing setting of the Fifth Avenue Point neighborhood. (LTS)	E.8: The project sponsor shall set aside a minimum of 200 square feet of floor area within the Bulkhead Building for an historical exhibit depicting the history of the Oakland Municipal Terminals. At a minimum, the exhibit would consist of the following:	Significant and Unavoidable	25		Within 12 months of the effective date of the adoption of the conditions of approval for the Development Parcel that includes the Ninth Avenue Terminal, or prior to demolition activities on said Development Parcel
E.8: The substantial demolition of the Ninth Avenue Terminal, in combination with the previous loss of the other two Oakland Municipal Terminals, would result in cumulative impacts to historic resources. (SU)	1) Historic photographs of the Grove Street Terminal, Outer Harbor Terminal and Ninth Avenue Terminal.				
	2) Contemporary photographs of the Ninth Avenue Terminal taken as recommended in Mitigation Measure E.3a.				
	3) Examples of manifests, log books, invoices and other artifacts that may be in the possession of the Port of Oakland or private companies, if available. These may be reproductions.				
	4) Other displayable objects and narrative information.				
	5) An educative and documentary audio/visual history on the Oak to Ninth area and accessory areas as appropriate, including: <ul style="list-style-type: none"> <li data-bbox="638 1243 989 1317">a. Visual explanation of wharf design versus other types of pier design; <li data-bbox="638 1357 989 1422">b. Oral histories of people who worked at the building and/or other maritime 				

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	industries in the area;				
	c. Historic film clips.				
	d. History of the development of the harbor;				
	e. History of the development of the Port Board;				
	f. PWA and WPA involvement at the Port;				
	g. World War II uses;				
	h. A visual film documentation of the existing warehouse/industrial character of the area, including views from the water to the City.				
	i. Written transcripts on archival quality paper for any audio or visual exhibits prepared for this mitigation				
	6) The proposed park design, to be located where the Ninth Avenue Terminal demolition is proposed, should incorporate landscaping, sculptural elements, paths, lighting, etc. that conceptually reference the expanse of the building's footprint and height.				

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<p>F. Geology, Soils, and Seismicity</p> <p>F.1: In the event of a major earthquake in the region, seismic ground shaking could potentially injure people and cause collapse or structural damage to proposed structures. (PS)</p>	<p>F.1: A site-specific, design level geotechnical investigation for each site area (which is typical for any large development project) shall be required as part of this project. Each investigation shall include an analysis of expected ground motions at the site from known active faults. The analyses shall be in accordance with applicable City ordinances and policies and consistent with the most recent version of the California Building Code ,which requires structural design that can accommodate ground accelerations expected from known active faults. In addition, the investigations shall determine final design parameters for the walls, foundations, foundation slabs, and surrounding related improvements (utilities, roadways, parking lots and sidewalks). The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer and geotechnical engineer shall be included in the final design. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project. The final seismic considerations for the site shall be submitted to and approved of by the City of Oakland Building Services Division prior to the commencement of the project.</p>	Less than Significant	24	City of Oakland Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel
<p>F.2: In the event of a major earthquake in the region, seismic ground shaking could potentially expose people and property to liquefaction and earthquake-induced settlement. (PS)</p>	<p>F.2: Prepare an updated site specific, design level geotechnical investigation for each building site to consider the particular project designs and provide site specific engineering recommendations for mitigation of liquefiable soils. Liquefiable soils under the conditions described in the geotechnical report shall be mitigated using various proven methods to reduce the risk of liquefaction. Liquefaction mitigation measures include subsurface soil improvement, deep foundations, structural slabs, and soil cover. Site improvement methods to address potential liquefaction include dynamic compaction, compaction grouting, jet grouting,</p>	Less than Significant	24	City of Oakland Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel; during the site specific geotechnical investigation

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F.3: Development at the project site could be subjected to settlement. (PS)	<p>and vibroflotation can significantly reduce the risk of liquefaction. Deep foundations extending below the liquefiable layers can be designed to support structures despite the occurrence of liquefaction. Structural slabs are designed to span across areas of non-support, such as in the case of liquefaction or settlement. The presence of a sufficiently thick, engineered fill layer over liquefiable soil can reduce the potential for damage at the ground surface due to liquefaction by helping to bridge across isolated liquefaction zones. Other methods of mitigating potential liquefaction hazards suggested in the <i>California Geological Survey's (CGS) Geology Guidelines for Evaluating and Mitigating Seismic Hazards</i> (CGS Special Publication 117, 1997) include edge containment structures (berms, dikes sea walls, retaining structures, compacted soil zones), removal or treatment of liquefiable soils, modification of site geometry, lowering the groundwater table, in-situ ground densification, deep foundations, reinforced shallow foundations, and structural design that can accommodate predicted displacements (CDMG, 1997).</p> <p>These measures shall be evaluated during the site specific geotechnical investigation and the most effective, practical and economical methods should become part of the project. Prior to incorporation into the project, geotechnical engineering recommendations regarding the mitigation and reduction of liquefaction for each site shall be reviewed for compliance with the CGS Geology Guidelines. The purpose of these guidelines is to protect the public safety from seismic effects such as liquefaction.</p> <p>F.3: As with standard geotechnical practices, site specific geotechnical investigations and reports would be required in order to obtain permits from the City of Oakland. Such geotechnical investigations and reports prepared for the project site shall include generally accepted and appropriate engineering techniques for determining the susceptibility of</p>	Less than Significant	24	City of Oakland Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel; during the site specific geotechnical

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	the project site to settlement and reducing its effects. Where settlement and/or differential settlement is predicted, mitigation measures such as lightweight fill, geofoam, surcharging, wick drains, deep foundations, structural slabs, hinged slabs, flexible utility connections, and utility hangers could be used. These measures shall be evaluated and the most effective, feasible, and economical measures shall be recommended. Engineering recommendations shall be included in the project engineering and design plans. All construction activities and design criteria shall comply with applicable codes and requirements of the 1997 UBC with California additions (Title 22), and applicable City construction and grading ordinances.				investigation
F.4: Development at the project area may include use of dredged material as fill which would be subject to settlement and subsidence. (PS)	F.4: Any dredged material used for fill will have to undergo an appropriate process of consolidation and stabilization to render it suitable for the support of engineered fill. A geotechnical investigation and report will be required in order to obtain permits from the City of Oakland in addition to the Dredged Material Management Office permitting requirements. The geotechnical investigations and reports prepared for the project site shall include generally accepted and appropriate engineering techniques for determining the susceptibility of the project specific site to settlement and reducing its effects. Engineering recommendations shall be included in the project engineering and design plans. The use of dredged materials as fill shall be limited to open space areas.	Less than Significant	24	City of Oakland Building Services Department	Prior to issuance of the first demolition, grading or building permit in the respective Development Parcel; during the construction activities
F.5: Construction activities at the project area could loosen and expose surface soils. If this were to occur over the long term, exposed soils could erode by wind or rain causing potential loss of topsoil. In addition, shoreline areas exposed to wave action could be subject to erosion and loss of topsoil. (PS)	F.5: Consistent with Mitigation Measure D.1 (which addresses construction-related water quality impacts), the project sponsor shall comply with all applicable NPDES requirements, RWQCB General Construction Permit requirements, and all City regulations, including Creek Protection Permits, as detailed in Mitigation D.1.	Less than Significant	24	City Building Services Department; City Planning and Zoning Department	
F.6: The project would not expose people or structures to substantial risk or hazards as a	None Required.				

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result of 1) expansive soils, or 2) conditions that would potentially result in landslides or 3) surface fault rupture. (LTS)	None Required.				
F.7: The project would not create substantial risks to life or property as a result of being located above a well, pit, swamp, mound, tank vault, or unmarked sewer line; above landfills for which there is no approved closure and post-closure plan, or unknown fill soils; or soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. (LTS)	None Required.				
F.8: The development proposed as part of the project, when combined with other reasonably foreseeable development in the vicinity, would not result in significant cumulative impacts with respect to geology, soils or seismicity. (LTS)	None Required.				
G. Noise					
G.1: Project construction activities would intermittently and temporarily generate noise levels above existing levels in the project vicinity. Project construction noise levels could exceed City of Oakland standards and cause disturbances in noise-sensitive areas, such as residential areas. (PS)	G.1a: The project applicant shall require construction contractors to limit standard construction activities as required by the City of Oakland Building Services Division. Such activities are generally limited to between 7:00 AM and 7:00 PM Monday through Friday, with pile driving and/or other extreme noise-generating activities (greater than 90 dBA) limited to between 8:00 AM and 4:00 PM Monday through Friday, with no extreme noise generating activity permitted between 12:30 PM and 1:30 PM. No construction activities shall be allowed on weekends, except that interior construction shall be permitted after buildings are enclosed, without prior authorization of the Building Services Division, and no extreme noise-generating activities shall be allowed on weekends and holidays.	Significant and Unavoidable	37	City Building Services Department	Prior to issuance of the first building permit for the respective Development Parcel; inspections during construction phase of Project.
	G.1b: To reduce daytime noise impacts due to construction, the project applicant shall require construction contractors to implement the following measures:		37	City Building Services Department;	Prior to issuance of the first building permit for the respective Development Parcel; inspections during construction phase of Project.

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	<ul style="list-style-type: none"> • Equipment and trucks used for project construction shall use 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. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible. • Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible. • If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance. 				
	<p>G.1c: To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City of Oakland Building Services Division to ensure that maximum</p>		37	City Building Services Department	Prior to any pile driving or other extreme noise generating activities on the site.

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	feasible noise attenuation will be achieved.				
	G.1d: Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise.		37	City Building Services Department;	Prior to issuance of the first building permit for the respective Development Parcel; inspections during construction phase of Project.
G.2: Noise from project-generated traffic and other operational noise sources, such as mechanical equipment and truck loading/unloading, could exceed City of Oakland Noise Ordinance standards and disturb project occupants and nearby residents. (PS)	<p>G.2: The project applicant shall incorporate the following design features into the final site plans:</p> <ul style="list-style-type: none"> • Building equipment (e.g., HVAC units) shall be located away from nearby residences, on building rooftops, and properly shielded within an enclosure that effectively blocks the line of sight of the source from receivers in order to meet City of Oakland Noise Ordinance standards. • Truck delivery areas shall be located as far from adjacent residences as possible. To the extent feasible, project buildings shall be located so that they block noise related to truck deliveries and waste collection from residential or other sensitive receptors. 	Less than Significant	37	City Building Services Department; City Planning and Zoning Division	Prior to issuance of the first building permit for the respective Development Parcel
G.3: The project would locate noise-sensitive multifamily residential uses in a noise environment where noise levels are above what is considered "normally acceptable" according to the City of Oakland General Plan Noise Element. (PS)	G.3a: To comply with the requirements of Title 24 and achieve an interior noise level of less than 45 dBA, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase. (Oak to 9th Residential Development, Oakland, California, Environmental Noise Assessment by Charles M. Salter Associates, Inc., November 2002. Table 4 of the Salter Associates document lists conceptual window and wall Sound Transmission Class (STC) ratings for different noise environments and gives an estimate of the	Less than Significant		City Building Services Department	Prior to issuance of the first building permit for the respective Development Parcel

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	STC requirements needed to meet interior noise criteria.)				
	G.3b: Due to the proximity of the project to a railroad crossing, a written disclosure of railroad crossing noise, particularly usage of train horns and bells on warning devices during the daytime and nighttime hours, shall be provided to potential residents of the project				
G.4: The project would locate noise-sensitive multifamily residential uses and public parks in a noise environment where noise levels are above what is considered "normally acceptable" according to the City of Oakland General Plan Noise Element. (PS)		Significant and Unavoidable			
G.5: The proposed project, together with anticipated future development in Oakland, could result in long-term traffic increases that could cumulatively increase noise levels. (LTS)	None Required.				
H. Hazardous Materials					
H.1: Disturbance and release of contaminated soil during remediation, demolition and construction phases of the project, or transportation of excavated material, contaminated groundwater or dredged sediment could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (PS)	H.1a: The applicant shall retain a qualified environmental consulting firm to prepare a cleanup plan for the contaminated soil and groundwater which would be based on a comprehensive remedial investigation report for the project area. This plan shall be approved by the appropriate regulatory agencies which may include but not be limited to the DTSC and the RWQCB. The plan shall also include the preparation of a health and safety plan to protect the workers and the public during all remediation and construction activities proposed. Following agency approval of the plan, remediation and removal work shall be conducted according to all applicable OSHA worker safety regulations. Remediation activities at the site may include, without limitation, closure or removal of subsurface structures, excavation and disposal of contaminated materials, natural and enhanced bioremediation of soil and	Less than Significant	37	City Building Services Department; City Public Works Agency	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities

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	<p>enhanced bioremediation of soil and groundwater, restoration and improvement of shoreline structures, limited dredging of sediments, and institutional and engineering controls to prevent exposure to and migration of contaminated materials. Throughout the course of remediation and construction activities, the handling, transport, and storage of any hazardous waste or potentially hazardous waste shall be conducted appropriate to all local and state agency protocols.</p>				
	<p>H.1b: Prior to offsite disposal, the project applicant shall adequately profile excavated soils to establish the proper classification of the soils for hazardous or non-hazardous waste disposal. The soils shall be handled, stored and transported according to all applicable regulations for the appropriate classification.</p>				37
	<p>H.1c: Soil generated by construction activities shall be stockpiled onsite and sampled prior to reuse or disposal at an appropriate facility. Any reuse of soils shall be conducted by prior approval from the appropriate state oversight agency.</p>				37
	<p>H.1d: Groundwater generated during construction dewatering shall be contained and transported offsite for disposal at an appropriate facility, or treated, if necessary, prior to discharge into the sanitary sewer to levels acceptable to the East Bay Municipal Utilities District.</p>				37
	<p>H.1.e: Prior to dredging any materials from the Clinton Basin, the project applicant shall retain a qualified environmental consulting firm to prepare a Sampling and Analysis Plan (SAP) as described by the Corps of Engineers (PN 99-4). The SAP shall be approved by the Dredged Material Management Office (DMMO) and shall include a proposal for a disposal location and a disposal alternatives analysis. Following agency approval of the plan, sediment removal work shall be conducted in accordance with all applicable OSHA worker safety regulations. In addition, the handling, transport, and storage of</p>				37

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H.2: Disturbance and release of hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) during demolition and construction phases of the project or transport of these materials could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling. (PS)	any hazardous waste or potentially hazardous waste shall be conducted consistent with all local and state agency protocols.	Less than Significant	37	City Building Services Department; City Public Works Agency	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities
	H.2a: A pre-demolition ACM survey shall be performed by a state-certified asbestos consultant prior to demolition of any of the structures located on the project site. The survey shall include sampling and analysis of suspected ACMs. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.				
	<p>H.2b: The project applicant shall implement a lead-based paint abatement plan, prepared by a qualified consultant, which shall include the following components:</p> <ul style="list-style-type: none"> • A pre-demolition LBP survey for all structures proposed for demolition at the project site. The survey shall include sampling and identification of suspected materials containing LBP. • Development of an abatement specification plan which shall be based on survey work and detail proposed abatement work areas and procedures. • A site Health and Safety Plan. • Containment of all abatement work areas to prohibit offsite migration of paint chip debris. • Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The 		37	City Building Services Department	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities

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	<p>demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.</p> <ul style="list-style-type: none"> • Appropriately remove paint chips by vacuum or other approved method. • Collection, segregation, and profiling waste for disposal determination. • Appropriate disposal of all hazardous and non-hazardous waste. 				
	<p>H.2c: A pre-demolition PCB survey shall be performed prior to demolition of any of the structures located on the project site. The survey shall include sampling and identification of suspected PCBs. Abatement of known or suspected PCBs shall occur prior to demolition or construction activities that would disturb those materials. In the event that electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed, and shall be disposed of by a licensed transportation and disposal contractor at an appropriate hazardous waste facility.</p>		37	City Building Services Department; City Public Works Agency	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities
	<p>H.2d: When known or previously unidentified USTs are encountered during construction, construction in the immediate area shall cease until the UST is removed with oversight from the City of Oakland Fire Department Hazardous Materials Unit or other applicable oversight agency. If there is any indication that the tank has leaked, then the lead agency shall direct any appropriate remediation measures. Removal of the UST shall include, to the extent deemed necessary by the lead agency, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree satisfactory to the oversight agency.</p>		37	City Building Services Department; City Public Works Agency	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities

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H.3: Hazardous materials used onsite during construction activities (i.e., solvents) could be released to the environment through improper handling or storage. (PS)	<p>H.3: The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ul style="list-style-type: none"> • Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction; • Avoid overtopping construction equipment fuel gas tanks; • During routine maintenance of construction equipment, properly contain and remove grease and oils. • Properly dispose of discarded containers of fuels and other chemicals. 	Less than Significant	37	City Building Services Department; City Public Works Agency	Prior to issuance of the first building permit in the respective Development Area and on-going during construction activities
H.4: Project operations would generate and involve the handling of general commercial/retail and household hazardous waste in small quantities, and therefore would not cause an adverse effect on the environment. (LTS)	None Required.				
H.5: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (LTS)	None Required.				
H.6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (LTS)	None Required.				
H.7: Development proposed as part of the project, when combined with other foreseeable development in the vicinity, would not result in cumulative hazardous materials impacts. (LTS)	None Required.				
I. Biological Resources / Wetlands					
I.1: Construction activities required for the project could have a substantial adverse effect, either directly or through habitat modifications, on special-status mammal species, specifically the Pacific harbor seal. (LTS)	None Required.				

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<p>I.2: Construction activities required for the project would result in a substantial adverse effect on potentially jurisdictional wetlands or waters of the U.S. under the jurisdiction of the Corps, waters of the state under the jurisdiction of the Regional Water Quality Control Board (RWQCB), and wetlands under the jurisdiction of BCDC jurisdiction. (PS)</p>	<p>I.2a: <i>Corps-Verified Wetland Delineation.</i> A preliminary identification of potentially jurisdictional areas was conducted in 2004 (LSA, 2004), and the project sponsor submitted the draft potentially jurisdictional wetland delineation to the Corps in July 2005. The project sponsor shall obtain Corps verification of the preliminary identification of jurisdictional areas prior to submitting permit applications. A verified wetland delineation would be required prior to the submittal of regulatory permit applications.</p>	<p>Less than Significant</p>	<p>37</p>	<p>City Planning and Development Department; City Building Permit Department; City Public Works Agency</p>	<p>Prior to project sponsor submittal of regulatory permit applications to Army Corps</p>
	<p>Mitigation Measure I.2b: <i>Wetland Avoidance.</i> Section 404 first requires that projects avoid or minimize adverse effects on jurisdictional waters to the extent practicable. To the extent feasible, the final project design shall minimize effects on wetlands and other waters in accordance with Section 404 of the Clean Water Act. Areas that are avoided shall be subject to Best Management Practices (BMPs), as described in Mitigation Measure I.2.d below. Such measures shall include installation of silt fencing, straw wattles or other appropriate erosion and sediment control methods or devices. Equipment used for the removal of debris and concrete rip-rap along the estuary edge will be operated from land using backhoes and cranes. Construction operations along Clinton Basin and Shoreline Park shall be barge-mounted or shall involve water-based equipment such as scows, derrick barges and tugs.</p>		<p>37</p>	<p>City Planning and Development Department; City Building Permit Department; City Public Works Agency</p>	<p>Prior to approval of Final Development Plans; on-going during construction activities</p>
	<p>Additionally, the existing restoration project at the southwest end of Clinton Basin, implemented by the Port of Oakland, shall be protected during construction activities. The extent of this area shall be clearly marked by a qualified biologist prior to the start of any grading or construction activities and a buffer zone established. All construction personnel working in the vicinity of the restoration area shall be informed of its location and buffer zone.</p>		<p>37</p>	<p>City Planning and Development</p>	<p>Prior to approval of Final Development</p>
<p>I.2c: Obtain Regulatory Permits and other Agency Approvals. Prior to the start of</p>	<p>37</p>	<p>City Planning and Development</p>	<p>Prior to approval of Final Development</p>		

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	<p>construction activities for the project, the project applicant shall obtain all required permit approvals from the Corps, the RWQCB, BCDC, and all other agencies with permitting responsibilities for construction activities within jurisdictional waters of other jurisdiction areas. Permit approvals and certifications shall include, but not be limited to Section 404/Section 10 permits from the Corps, Section 401 Water Quality Certification from the RWQCB, and BCDC permit.</p> <p><i>Section 404 / Section 10 Permits.</i> Permit approval from the Corps shall be obtained for the placement of dredge or fill material in waters of the U.S., if any within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.</p> <p>Construction along the estuary edge below MHW elevation will be considered dredging by the Corps and will require a Section 10 permit. In addition, dredging of Clinton Basin will also require a Section 10 permit.</p> <p><i>Section 401 Water Quality Certification.</i> Approval of Water Quality Certification (WQC) and/or Waste Discharge Requirements (WDRs) shall be obtained from the RWQCB for work within jurisdictional waters. Preparation of the Section 401 Water Quality Certification applications will require an application and supporting materials including construction techniques, areas of impact, and project schedule.</p> <p><i>BCDC Permit.</i> Permit approval from BCDC placing solid material, pilings floating structures boat docks, or other fill and/or dredging or other extraction of material from the Bay and the 100-foot shoreline band inland from mean high tide line along the length of the project site. Activities would include dredging for rebuilding the marina in Clinton Basin, and replacing the 5th Avenue marina with a new marina that will contain approximately 170 boat slips. The proposed project will include the removal of approximately 33,780 square feet of solid Bav fill as part of the</p>			Department; City Building Permit Department; City Public Works Agency	Plans; on-going during construction activities

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	<p>shoreline design and the placement of 74,110 square feet of solid Bay fill for the creation of a village green at Clinton Basin. The project also includes the removal of approximately 129,920 square feet of pile-supported fill with the removal of a portion of the Ninth Avenue Terminal wharf. Additionally, floating fill will be required to create the two proposed marinas.</p> <p>The project will be required to comply with all BCDC permit conditions that typically include requirements to construct, guarantee and maintain public access to the bay, specified construction methods to assure safety or to protect water quality, and mitigation requirements to offset the adverse environmental impacts the project.</p> <p>I.2d: <i>Best Management Practices (BMPs)</i>. The project applicant shall implement standard BMPs to maintain water quality and control erosion and sedimentation during construction, as required by compliance with the General National Pollution Discharge Elimination System (NPDES) Permit for Construction Activities and established by Mitigation Measure D.1 to address impacts on water quality. Mitigation measures would include, but would not be limited to, installing silt fencing along the edges of the project site to protect estuarine waters, locating fueling stations located away from potential jurisdictional features, and isolating construction work areas from the identified jurisdictional features. The project applicant shall also implement, BMPs to avoid impacts on water quality resulting from dredging activities within the Bay, and that as identified in the <i>Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS)</i> (Corps, 2001). These BMPs include: silt fencing and gunderbooms or other appropriate methods for keeping dredged materials from leaving the project site.</p> <p>I.2e: <i>Compensatory Mitigation</i>. The project applicant shall provide compensatory mitigation for temporary impacts to, and permanent loss of, waters of the U.S., including wetlands, as</p>				
			37	<p>City Planning and Development Department; City Building Permit Department; City Public Works Agency</p> <p>City Public Works Agency; City Planning and Zoning Department</p>	<p>On-going during all construction activities on the project site</p>

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	required by regulatory permits issued by the Corps, RWQCB, and BCDC. Measures shall include, but not be limited to 1) onsite mitigation through wetland creation or enhancement, 2) development of a Mitigation and Monitoring Plan, and 3) additional wetland creation or enhancement or offsite mitigation:			Department	
I.3: Construction activities required for the project could have a substantial adverse effect, either directly or through habitat modifications, on fisheries resources in the Oakland Inner Harbor. (PS)	I.3a: <i>Protection of Fish and Migrating Salmonids.</i> The project applicant shall implement measures for protection of salmonids and Pacific herring during dredging projects and for indirect impacts on the San Francisco Bay "Essential Fish Habitat" (EFH) that are identified in the Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region (LTMS) (Corps, 2001).	Less than Significant	37	City Public Works Agency; City Public Works Agency; City Planning and Zoning Department	
I.4: Construction activities required for the project could have a substantial adverse effect, either directly or through habitat modifications, on nesting habitat for breeding raptors and passerine birds, including Cooper's hawk. (PS)	I.4a: <i>Timing of Construction.</i> To the extent feasible, construction activities shall be conducted outside the breeding season for birds and raptors (August 1-January 30) Trees and shrubs that could provide potential nesting habitat may be removed during this period to avoid future nesting within the project site.	Less than Significant	37	City Public Works Agency; City Planning and Zoning Department	
	I.4b: <i>Preconstruction Surveys.</i> If seasonal avoidance is infeasible, the following measures shall be required to avoid potential adverse effects on nesting special-status raptors and other nesting birds:		37	City Public Works Agency; City Planning and Zoning Department	
	<ul style="list-style-type: none"> • A qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within 500 feet of construction activities. Preconstruction surveys should occur no later than two weeks prior to the start of construction activities. • If active nests of raptors or other bird species are found during preconstruction surveys, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a 				

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I.5: The project could have a substantial adverse effect, either directly or through habitat modifications, on special-status nesting and roosting bats. (PS)	<p>qualified biologist determines that all young have fledged. The size of these buffer zones and types of construction shall be determined in consultation with the CDFG and shall be based on existing noise and human disturbance levels at the project site.</p> <ul style="list-style-type: none"> If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees, shrubs, and buildings that have been determined to be unoccupied by special-status birds or that are located more than 500 feet from active nests may be removed. <p>I.5: Before demolition of abandoned or underused buildings on the project site, such as the Ninth Avenue Terminal building, a qualified biologist who is familiar with bat biology and who is able to recognize signs of bats using abandoned buildings shall conduct pre-demolition building surveys in order to adequately make a determination on the presence of bat nurseries.</p> <p>If abandoned or underused buildings slated for destruction are being used by bats as nursery sites, demolition shall be postponed until young are reared and able to forage on their own. This determination shall be made by a qualified biologist specializing in bat biology.</p> <p>If bats are found to be roosting in abandoned or underused buildings on the project site, the bats shall be actively relocated to a temporary roosting structure (preferably onsite) during demolition activities. In addition, permanent bat roosting structures ("bat boxes") shall be created in order to properly mitigate the effects of a loss of roosting structure. The design of the bat boxes shall conform to the specifications appropriate to the species of bats found on the project site and vicinity, and shall be approved</p>	Less than Significant	37	City Public Works Agency; City Planning and Zoning Department	Prior to commencement of any demolition activities on the project site

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	by a qualified bat biologist knowledgeable in the design of bat boxes. The bat boxes shall conform to the architectural design of the project buildings to reduce the visibility and obtrusiveness of the boxes and to avoid vandalism or disturbance to bat colonies.				
I.6: Increased lighting and shading associated with the new project buildings could have a substantial adverse effect, either directly or through habitat modifications, on biological resources. (LTS)	None Required.				
I.7: The removal of any protected trees identified within the project site would be conducted in compliance with the City of Oakland's Tree Preservation and Removal Ordinance. (LTS)	None Required.				
I.8: Construction activity and new development resulting from the project, in conjunction with other foreseeable development in the city and along its shoreline, could result in impacts on wetlands, other waters of the U.S., and special-status species. (LTS)	None Required.				
J. Population, Housing, and Employment					
J.1: The project would not displace substantial numbers of existing housing units; nor would the project displace substantial numbers of people, necessitating construction of replacement housing. (LTS)	None Required / No Impact.				
J.2: The project would displace existing businesses and jobs, but not in substantial numbers necessitating construction of replacement facilities, or resulting in substantial increases in distances traveled. (LTS)	None Required.				
J.3: The project would not induce substantial population growth directly by proposing new housing, or indirectly through infrastructure improvements. (LTS)	None Required.				
J.4: The project would not induce substantial population growth in a manner not contemplated	None Required.				

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population growth in a manner not contemplated in the General Plan, with infrastructure requirements not previously considered or analyzed. (LTS)					
J.5: The project would not induce substantial population growth as a result of business and employment growth proposed in the project. (LTS)	None Required.				
(Non-CEQA) Potential for new retail development to cause ripple effects of store closures and long-term vacancies that result in physical deterioration and urban decay. (LTS)	N/A				
(Non-CEQA) Potential for housing market effects to lead to displacement or physical deterioration of housing or neighborhoods. (LTS)	N/A				
K. Visual Quality and Shadow					
K.1: The project would construct new buildings that would be taller and have more bulk than existing buildings in the area along pedestrian and vehicular routes and adjacent to the Oakland Estuary, and would substantially demolish the Ninth Avenue Terminal building. This would substantially, but not adversely, alter the existing visual character and quality of the project area. (LTS)	None Required / Beneficial Effect.				
K.2: The project would construct new buildings that would be taller and have more bulk than existing nearby buildings which would result in changes to views from nearby public viewpoints, but that would not adversely affect scenic vistas of which the project site is a part. (LTS)	None Required.				
K.3: The project would increase the amount of light and glare emitted from the project site but would not result in substantial adverse effects to day or nighttime views. (LTS)	None Required.				
K.4: The project would create additional shadow on adjacent areas west and north of the project site, however, the project would not cast shadow on historic resources (retained Ninth Avenue Terminal Bulkhead Building), would not	None Required.				

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introduce landscaping conflicting with the California Public Resource Code; would not cast shadow on buildings using passive solar heat, solar collectors for hot water heating, or photovoltaic solar collectors; and would not cast shadow that impairs the use of any public or quasi-public park, lawn, garden, or open space. (LTS)					
K.5 The project would require approval of a general plan amendment and rezoning (among other discretionary approvals), but would be consistent with the policies and regulations addressing the provision of adequate light to appropriate uses. (LTS)	None Required.				
L. Public Services and Recreation Facilities					
L.1: The increased population and density resulting from the project would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response time, or other performance objectives for police protection services. (LTS)	None Required.				
L.2: The increased population and density resulting from the project would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response time, or other performance objectives for fire protection and emergency medical services and facilities. (LTS)	None Required.				
L.3: The students generated by the project would not require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives at local public schools. (LTS)	None Required.				
L.4: The project would create new parks, and the increased population resulting from the project would not result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated, nor would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical	None Required / Beneficial Effect				

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effect on the environment. (LTS)					
L.5: The project would increase the on-site resident population and increase the demand for library services; however, the increase in demand for such services would not result in the need to construct or expand libraries that might have an adverse physical effect on the environment. (LTS)	None Required.				
L.6: The increased population and density resulting from the project, in conjunction with population and density of other foreseeable development in the city, would result in a cumulative increase in the demand for public services and parks. However, the project's contribution to such impacts would not be cumulatively considerable. (LTS)	None Required.				
M. Utilities and Service Systems					
M.1: The project would not exceed water supplies available to serve the project from existing entitlements and resources and require or result in the construction of water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	None Required.				
M.2: The project's projected wastewater demand would not result in the city of Oakland exceeding its citywide allocation under the Wet Weather Program or East Bay Municipal Utility District's (EBMUD) capacity to serve the project's projected demand in addition to its existing commitments within its service area. (LTS)	None Required.				
M.3: The project would not require or result in construction of new offsite stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (LTS)	None Required.				
M.4: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and therefore the project would not	None Required.				

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<p>require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects. The project would not impede the City of Oakland's ability to meet the waste diversion requirements of the California Integrated Waste Management Act or the Alameda County Waste Reduction and Recycling Initiative, nor cause the City to violate other applicable federal, state, or local statutes and regulations related to solid waste. (LTS)</p>	None Required.				
<p>M.5: The project would not violate applicable federal, state, or local statutes and regulations relating to energy standards. The project would not result in a determination by the energy provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments, nor require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects. (LTS)</p>					
<p>M.6: The increased development resulting from the project, in conjunction with population and density of other foreseeable development in the city, would result in increased demand for utilities and service systems. However, the project's contribution to such impacts would not be cumulatively considerable. (LTS)</p>	None Required.				