

FINAL
Project Findings, Conditions of Approval, and
Mitigation Monitoring and Reporting Program
Case File No. ER 08-0005/PUD 08-186/TTM 8038/CMD 08-185
(Fruitvale Transit Village Project - Phase 2)

Note: At the public hearing on May 19, 2010, the Planning Commission approved minor amendments to the Fruitvale Transit Village (Phase 2) Residential Project Design Guidelines (prepared by HKIT Architects) dated April 23, 2010 (Attachment B to the Planning Commission Staff Report dated May 19, 2010).

The amendments are shown in the Design Guidelines document in ~~striketrough~~ and double underline text. The amended Design Guidelines are in the project file.

Modifications to these Conditions of Approval to reflect the amendments to the Design Guidelines are also shown in double underline text.

FINDINGS FOR APPROVAL:

The proposed project meets the required findings under CEQA Guidelines Section 15090, Oakland Planning Code Sections 17.140.080 (Planned Unit Development Criteria); Section 17.134.050 (Conditional Use Permit); and Section 16.08.030 (Tentative Tract Map findings). Required findings are shown in bold type below and are also contained within other sections of this report and the administrative record; explanations as to why these findings can be made are in normal type.

CEQA Findings for Certification of EIR (CEQA Guidelines Section 15090)

1. That the Draft EIR was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 45 days, was independently reviewed and analyzed by the City Planning Commission, and reflects the independent judgment of the Planning Commission.
2. That the Final EIR has been completed in compliance with CEQA. The Final EIR was presented and properly circulated, independently reviewed and analyzed by the City Planning Commission and reflects the independent judgment and analysis of the Planning Commission. That such independent judgment is based on review and consideration of the information contained in the Final EIR and on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Final EIR and the administrative record as a whole). That the Planning Commission recognizes that the Final EIR contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Draft EIR, public agency responses to those comments, and refinements to the project description), but that such work does not present significant new information requiring re-circulation of the Draft EIR. That such information, revisions and additional data do not include any new significant environmental impacts that would result from the project or from a new mitigation measure and that they do not reflect any substantial increase in the severity of any environmental impact, nor do they propose any additional feasible project alternative or mitigation measure that is materially different from others previously analyzed that would clearly lessen the significant environmental impacts of the project that has not been adopted. Thus, no recirculation of the Draft EIR is required. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.
3. The Final EIR and its findings and conclusions are adopted by the City Planning Commission as its source of environmental information, except where otherwise expressly stated; and that the Final EIR is legally adequate and was completed in compliance with CEQA and the City's Environmental Review

CEQA Findings for Project Approval (CEQA Guidelines Section 15091-15093)

Environmental Impacts

5. That the Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures and/or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures and/or standard conditions of approval identified in the Draft and Final EIR, as they may have been modified, and again in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as conditions of approval for the Project. That three significant and unavoidable impacts remain as follows:

- a. Construction of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at the San Leandro Street / High Street intersection, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay during the PM peak hour by more than four seconds for the critical northbound (High Street) through movement (Impact TRANS-18)
- b. Construction of the proposed project would contribute to 2015 and 2035 changes to traffic conditions on the regional and local roadways (Impacts TRANS-21 and TRANS-22)

For these impacts, a statement of overriding considerations will be adopted pursuant to CEQA Guidelines Section 15093.

6. That the approval of project complies with CEQA; and that the Final EIR was presented to the City Planning Commission, which reviewed and considered the information contained therein prior to acting on any of the development approvals for the project.

7. That the Initial Study included as Appendix A in the Draft EIR evaluated the proposed project and found, after an initial review, the following impacts to the following topic areas be less than significant:

- a. Aesthetics
- b. Agricultural Resources
- c. Biological Resources
- d. Cultural Resources
- e. Geology/Soils
- f. Hazards/Hazardous Materials
- g. Hydrology/Water Quality
- h. Land Use/Planning
- i. Mineral Resources
- j. Population/Housing
- k. Public Services/Recreation
- l. Utilities/Service Systems

All the reasons stated in the DEIR, as well as the responses to comments in the FEIR, as to why the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.

8. The EIR evaluated the proposed project and identified significant potential adverse impacts in the following environmental categories: Air Quality, Noise, and Transportation/Traffic. The EIR found

that there would be less than significant environmental impacts associated with many of these categories. All the reasons stated in the DEIR, as well as the responses to comments in the FEIR, as to why many of the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.

As detailed below, the EIR also recommends mitigation measures and/or standard conditions of approval that, if implemented, would avoid or reduce some of the identified significant effects to less-than-significant levels. These measures/conditions are included within the attached Mitigation Monitoring and Reporting Program, and these measures are incorporated into the Conditions of Approval.

a. **Significant but Mitigable Impacts**

- i. *Air Quality.* The proposed project could result in exposure of persons to substantial levels of Toxic Air Contaminants (TACs) which may result in adverse health effects (Impact AIR-4). This impact is significant during construction under proposed BAAQMD Thresholds only. Mitigation Measure AIR-4 requires the project applicant and its contractors to develop a plan demonstrating that the equipment to be used during construction of the project would achieve reductions in Toxic Air Contaminants, which will reduce the impact to Less-Than-Significant Levels.
- ii. *Noise.* Noise impacts from construction activities, the impacts to future residents of placing residential uses in close proximity to a noisy environment, and exposing sensitive residential uses to ground-borne vibration from trains were all identified as Significant Impacts (Impacts NOI-1, NOI-2, and NOI-4). However, compliance with the City's Standard Conditions of Approval will reduce the impacts to Less-Than-Significant Levels.
- iii. *Transportation, Circulation, and Parking.* The project will impact several adjacent and nearby intersections and turning movements that currently operate at unacceptable Levels of Service (LOS) or that are projected to operate at unacceptable Levels of Service (LOS) in the future (Impacts TRANS-1 to TRANS-17, TRANS-19). Modifying signal timing, installing signal modifications, restriping lanes, and other physical improvements have been identified in Mitigations Measures TRANS-1 to TRANS-17, TRANS-19) that will reduce the impacts to Less-Than-Significant Levels.

The identified mitigation measures contained in the DEIR and FEIR, as they may be revised, would, for the reasons stated in the DEIR and/or FEIR, reduce these impacts to less than significant levels. The detailed reasons and analysis contained in the DEIR and FEIR are hereby adopted and incorporated by reference as if fully set forth herein.

b. **Significant Unavoidable Impacts**

- iv. Construction of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at the San Leandro Street / High Street intersection, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay during the PM peak hour by more than four seconds for the critical northbound (High Street) through movement (Impact TRANS-18). No feasible mitigation measure was identified to reduce the project impact to a Less-Than-Significant Level.
- v. Construction of the proposed project would contribute to 2015 and 2035 changes to traffic conditions on the regional and local roadways (Impacts TRANS-21 and TRANS-22). Mitigation of the project's significant impact on eastbound San Leandro Street west of 35th Avenue or west of High Street is not feasible. An additional lane on eastbound San Leandro Street would require removal of the parking lane or widening of San Leandro Street. However, such measures are

considered infeasible due to physical constraints caused by on-street parking demand and existing right-of-way. No feasible mitigation measures were identified to reduce these impacts to a Less-Than-Significant Level.

Rejection of Alternatives as Infeasible

9. That the FEIR identified a reasonable range of project alternatives. The DEIR identified six alternatives to the proposed project, two of which were initially rejected as infeasible for the reasons stated on pages 5-22 to 5-25 of the DEIR. Such detailed reasons and analysis contained in the DEIR and FEIR are hereby adopted and incorporated by reference as if fully set forth herein. Those infeasible alternatives are the Higher Density Alternative and the Mixed Use with Commercial Alternative.

The potentially feasible alternatives analyzed in detail in the DEIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the project, as follows:

- a. Alternative 1: No Project Alternative
 - b. Alternative 2.1: Lower Density Alternatives (25% and 50% lower density)
 - c. Alternative 2.2: Lower Density Alternative (80% lower density)
 - d. Alternative 3: Open Space/Passive Recreation Alternative
10. As presented in Chapter 5 of the DEIR, the Alternatives were described and compared with each other and with the proposed project. The Open Space/Passive Recreation Alternative (Alternative 3) was the environmentally superior alternative. Each of the alternatives is rejected as infeasible for the reasons outlined below. Each individual reason presented constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.
 - a. Under the No Project Alternative 1, the project would not be undertaken and none of the impacts of the project would occur. The No Project Alternative would not result in any significant impacts; however, it would not meet the Project Objectives as stated in Chapter 3 of the DEIR and would not achieve any of the Project benefits described elsewhere in the record.
 - b. Under the Lower Density Alternative 2.1 (25% or 50% reduction in density), the project size would be reduced to either 206 units or 138 units, respectively. Lower Density Alternative 2.1 would partially achieve the Project Objectives. These alternatives would reduce, but would not avoid, the significant unavoidable impacts of the project. Both the 25% and 50% reduced densities would also result in similar significant and unavoidable traffic intersection impacts as identified for the proposed project. Additionally, this alternative would not meet the Project Objectives as stated in Chapter 3 of the DEIR.
 - c. Under the Lower Density Alternative 2.2 (80% reduction in density), the project size would be reduced to 55 units. Lower Density Alternative 2.2 would achieve only a few of the Project Objectives. This Alternative would reduce the impacts to traffic intersections both now and in future conditions. This alternative would reduce the significant and unavoidable impacts identified for the project to Less-Than-Significant Levels (with mitigation and/or standard conditions). However, this alternative would not meet the Project Objectives as stated in Chapter 3 of the DEIR, nor would it achieve the goals and policies of the Land Use and Transportation Element of the General Plan including the policy to provide affordable housing and the policy to intensify uses in transit-oriented locations by constructing multi-story development on properties near or adjacent to BART stations.
 - d. Under the Open Space/Passive Recreation Alternative, the entire 3.4-acre site would consist of open space with limited amenities, such as a tot lot, playground area, and benches. The site would have contoured terrain and landscaping throughout to discourage

use of the site for field games. This alternative would avoid or substantially reduce significant and unavoidable impacts identified for the project to Less-Than-Significant Levels (with mitigation and/or standard conditions). Although the Fruitvale area in general lacks sufficient open space and recreation facilities, this Alternative would conflict with nearly all of the Project Objectives.

Statement of Overriding Considerations

11. That the significant, unavoidable impacts of the project are determined to be acceptable in light of the important benefits of the project as described below. Each of the benefits set forth herein would separately and independently outweigh each and every significant and unavoidable impact of the project. The following reasons explain why approval of the project is warranted despite the previously described significant, adverse, unavoidable impacts:
 - a. The proposed project advances critical goals of the Oakland General Plan, including:
 - i. Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community;
 - ii. Policy N3.2: Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill construction that is consistent with the General Plan should take place throughout the City of Oakland;
 - iii. Policy N8.1: Developing Transit Villages. “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transit facilities;
 - iv. Policy T2.1 Encouraging Transit-Oriented Development. The project is located adjacent to the Fruitvale BART station. This project would meet the goal of providing housing near transit.
 - b. The proposed project advances several critical goals of the Coliseum Area Redevelopment Plan, including:
 - i. Goal 1: The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including among others, small and irregular lots, faulty exterior spacing, obsolete and aged building types, mixed character or shifting uses or vacancies, incompatible and uneconomic land uses, substandard alleys and inadequate or deteriorated public improvements, facilities, and utilities;
 - ii. Goal 2: The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area; and
 - iii. Goal 3: The re-planning, redesign, and development of undeveloped areas which are stagnant or improperly utilized.
 - c. The proposed project will implement several policies of the Housing Element of the General Plan, will aid in the provision of quality housing units, and will help advance State and Regional policies to providing in-fill housing. Housing Element policies implemented by the project include:
 - i. Policy 1.7: Regional Housing Needs. The City will strive to meet its fair share of housing needed in the region.
 - ii. Policy 2.4: Inclusion of Affordable Units in Market Rate Projects. Seek voluntary agreements with private developers of market rate housing to include units affordable to lower-income households, especially those projects involving Redevelopment Agency support or requiring major planning approvals.
 - iii. Policy 3.2: Flexible Zoning Standards. Allow flexibility in the application of

zoning, building, and other regulations.

- iv. Policy 7.2: Energy Conservation. Encourage the incorporation of energy conservation design features in existing and future residential development.
 - v. Policy 7.3: Infill development. Continue to direct development toward existing communities and encourage infill development at densities consistent with surrounding communities.
 - vi. Policy 7.4: Compact Building Design. Work with developers to construct new housing that reduces the footprint of new construction, preserves green spaces, and supports the use of public transit.
- d. The proposed project will aid in the revitalization and redevelopment of an underutilized parcel and will promote development near transit stations. The project develops an underutilized site in a transit-oriented area and will bring additional vitality to the Fruitvale district. The project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village. The project includes improvements to pedestrian circulation and vehicular safety improvements, and the project will be well-integrated with the first phase of the Transit Village as well as improve access to the Fruitvale BART station.
 - e. The proposed project will create temporary jobs in construction during the multi-phased development of the site.
 - f. The proposed project will create new revenue for the City, County, and State through the transfer and reassessment of property and through the improvement of the property and the corresponding increase in value.

Mitigation Monitoring and Reporting Program

- 12. That the monitoring and reporting of project conditions of approval and CEQA mitigation measures in connection with the project will be conducted in accordance with the attached SCAMMRP/Mitigation Monitoring and Reporting Program incorporated into the conditions of Project approval. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland, the applicant or other identified public agencies of responsibility.

Findings for Preliminary Planned Unit Development Permit (Section 17.140.080)

A. That the location, design, size, and uses are consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

The General Plan land use designation for the site is Neighborhood Center Mixed Use, which permits and encourages development “characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses,” as stated in the Land Use and Transportation Element (LUTE). The maximum residential density provided in the Neighborhood Center Mixed Use category is 125 dwelling units per gross acre. The 3.4-acre project site could support a maximum of 425 units. The 275-unit project is well under the maximum allowable density.

The project is meeting several policies and goals of the General Plan including:

Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.

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

Policy N8.1: Developing Transit Villages. “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transit facilities.

Policy T2.1 Encouraging Transit-Oriented Development. The project is located adjacent to the Fruitvale BART station. This project would meet the goal of providing housing near transit.

The project is located in the Coliseum Area Redevelopment Project Area, an applicable plan under this finding. The proposed project is consistent with the following goals of the Coliseum Area Redevelopment Plan:

Goal 1: The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including among others, small and irregular lots, faulty exterior spacing, obsolete and aged building types, mixed character or shifting uses or vacancies, incompatible and uneconomic land uses, substandard alleys and inadequate or deteriorated public improvements, facilities, and utilities.

Goal 2: The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.

Goal 3: The re-planning, redesign, and development of undeveloped areas which are stagnant or improperly utilized.

The project as proposed is also consistent with the S-15 Zoning District, with approval of the Conditional Use Permit for parking, and the project will conform to the Planning Code in all other respects.

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

The project site is designated Neighborhood Center Mixed Use in the General Plan, which permits and encourages development “characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses.”

The proposed project has been designed to create a residential project in a transit-oriented area and that can bring added additional vitality and residential activity to the Fruitvale district. The project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project includes improvements to pedestrian circulation and vehicular safety improvements, and the project will be well-integrated with the first phase of the Transit Village as well as improve access to the Fruitvale BART station.

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

The project will be required as a condition of approval and through the Mitigation Measures of the EIR to make transportation-related improvements to the local street network. Vehicular access to the project has been designed to occur along 35th and 37th Avenues in order to minimize traffic impacts to East 12th Street and to ensure safe ingress and egress to the project site. A traffic impact study was completed for the project and is included as Appendix E to the Draft EIR.

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

The proposed project site is located in a developed area surrounded by residential and industrial uses that are adequately served by existing utilities and service systems including water supply, wastewater treatment, storm water drainage, and solid waste disposal. The proposed project will also provide additional services for the area and improvements to the existing infrastructure such as new sidewalk, curb, and gutter where needed.

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

The proposed project will benefit the surrounding area by developing an underutilized parcel. The Design Guidelines that have been developed will ensure that the eventual building architecture, landscape plan, and overall project design is an attractive, high quality residential development.

The proposed project is consistent with the General Plan and Zoning regulations. The project's structures, as shown in their preliminary design drawings, are varied yet integrated into a single comprehensive development that is related to the surrounding context. The project is located immediately adjacent to the Fruitvale BART station, providing for excellent transit access. The project conforms to the S-15 zoning regulations with the approval of a Conditional Use Permit to provide additional parking. The project's interior private courtyards and planting plan creates an intimate neighborhood setting. Compliance with the conditions of approval will result in an attractive, healthful, efficient, and stable living environment.

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

The site is flat so no sizable amount of grading will occur. The natural features on the site consist of trees, most all of which will need to be removed to accommodate the proposed development. However, the project Applicant will be required to comply with the City's tree replanting requirements as outlined in the conditions of approval. The project will not be visually intrusive as it responds to the context of the neighborhood and the backside borders the BART right of way and a surface parking lot owned by BART. There is no need to buffer the project from the existing setting because the intent is to integrate into the setting.

Findings for Conditional Use Permit (Section 17.134.050)

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;**

As noted previously in the Findings, the proposed project has been designed to create a residential project in a transit-oriented area and that can bring added additional vitality and residential activity to the Fruitvale district. The project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project includes improvements to pedestrian circulation and vehicular safety improvements, and will serve to increase the value of public and private investment in the area.

- B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;**

As noted previously in the Findings, the project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project will add residential units in an area that has a good source of commercial uses, thereby increasing the likelihood that residents will be able to shop, dine, and recreate nearby without needing to drive.

- C. That the proposal is designed to provide a safe and pleasant pedestrian environment;**

As noted previously in the Findings, the project includes improvements to pedestrian circulation and vehicular safety improvements and has been designed to have a safe and comfortable interface between the public realm and private spaces of the ground-floor residential units.

- D. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.**

The proposed project will provide one parking space per dwelling unit instead of the maximum ½ space per unit as required in the S-15 Zoning District. The project includes a mixture of studio (10%), 1-bedroom (42%), 2-bedroom (38%), and 3-bedroom units (10%), so there is a distinct possibility that there will be one car per household. In an effort to ensure that spill-over parking from the residential project to the surrounding neighborhood is minimized, the Applicant has proposed to provide one space per unit on-site. The project site remains adjacent to a BART station and in the vicinity of bus lines that serve Oakland and Alameda County, so it is not anticipated that providing one space per unit will have a detrimental impact or increase the automobile movement in the area above what it would be with only ½ space per unit.

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

As noted previously in the Findings, the proposed project has been designed to create a residential project in a transit-oriented area and that can bring added additional vitality and residential activity to the Fruitvale district. The project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project includes improvements to pedestrian circulation and vehicular safety improvements, and will serve to increase the value of public and private investment in the area.

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

As noted previously in the Findings, the proposed project has been designed to create a residential project in a transit-oriented area and that can bring added additional vitality and residential activity to the Fruitvale district. The project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project includes improvements to pedestrian circulation and vehicular safety improvements, and will serve to increase the value of public and private investment in the area.

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

As noted previously in the Findings, the project will add 275 residential units to the core Fruitvale area and will complete the original vision of the two-phased Fruitvale Transit Village developed by the Unity Council. The project will add residential units in an area that has a good source of commercial uses, thereby increasing the likelihood that residents will be able to shop, dine, and recreate nearby without needing to drive.

H. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

The project is not yet subject to the Design Review criteria.

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

The General Plan land use designation is for the site is Neighborhood Center Mixed Use, which permits and encourages development “characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses,” as stated in the Land Use and Transportation Element (LUTE). The maximum residential density provided in the Neighborhood Center Mixed Use category is 125 dwelling units per gross acre. The 3.4-acre project site could support a maximum of 425 units. The 275-unit project is well under the maximum allowable density. Additionally, the project will implement several of the goals and policies of the General Plan, as noted previously in the Findings.

Findings for Tentative Tract Map (Section 16.08.030) (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act)

The Advisory Agency shall deny approval of a tentative map if it makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

The project meets the density requirements of the S-15 Zoning District and the Neighborhood Center Mixed Use land use designation of the General Plan. The project meets the zoning and is consistent with the General Plan with approval of the PUD and Conditional Use Permit.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

As noted above, the project meets the density requirements of the S-15 Zoning District and the Neighborhood Center Mixed Use land use designation of the General Plan. The project meets the zoning and is consistent with the General Plan with approval of the PUD and Conditional Use Permit.

- C. That the site is not physically suitable for the type of development.**

The site is flat, in an urban area, and future development can be easily accommodated.

- D. That the site is not physically suitable for the proposed density of development.**

As noted above, the maximum residential density provided in the Neighborhood Center Mixed Use category is 125 dwelling units per gross acre. The 3.4-acre project site could support a maximum of 425 units. The 275-unit project is well under the maximum allowable density.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The subject property is located in an urban area surrounded by developed residential, commercial, and industrial properties. The site is currently used as a surface parking lot. No environmental damage would occur with the proposed project.

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

The merger of the parcels and the subsequent subdivision are not expected to cause serious public health problems. The proposed development would be served by public water and sewer service, and would therefore not require the use of on-site sewage disposal or domestic water well. The project site is not located on the state's Cortese List for hazardous waste. There are no buildings on the site. Therefore asbestos, lead in paint, lead in water, and contaminated equipment are not expected.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.)**

The Tentative Tract Map approval contains a condition of approval requiring that any utilities or easements that are in conflict with the proposed development be removed or abandoned prior to filing the Final Map(s).

- H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The subdivision of the lot for condominium purposes does not exclude the possibility of for future passive or natural heating or cooling opportunities.

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

a) The project shall generally conform to the application materials submitted as follows unless modified by the Conditions of Approval contained herein:

1. **Project Plan Set** (prepared by HKIT Architects) dated April 23, 2010.
2. **Tentative Tract Map 8038** (prepared by BKF Engineers) dated February 5, 2010.
3. **Fruitvale Transit Village (Phase 2) Residential Project Design Guidelines** (prepared by HKIT Architects) dated April 23, 2010 and as amended May 19, 2010.

Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

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

1. Approval of a **Planned Unit Development (PUD) Preliminary Development Plan**, under OMC Chapters 17.140 and 17.142.
2. Approval of a **Conditional Use Permit (CUP)**, under OMC Chapter 17.134
3. Approval of a **Tentative Tract Map** for condominium purposes under OMC Chapter 16.08.
4. Approval of a **Tree Removal Permit** under OMC Chapter 12.36.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

- a) Unless a different termination date is prescribed, this Approval shall expire **two years** from the approval date, unless within such period an application for Design Review and Planned Unit Development (PUD) Final Development Plan approval has been submitted to the City of Oakland. Review and approval of Design Review and Planned Unit Development (PUD) Final Development Plan is required before any buildings may be constructed or any of the uses commence. Upon written request, and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body.
- b) A Planned Unit Development (PUD) Final Development Plan (FDP) submittal may be for all four phases of the project at once, or the FDP submittals may be for one or more phase at a time. If the FDP applications are submitted separately, the applications will need to be received no more than one year apart and all FDP/Final Design Review applications will need to be received within **five years** from the approval date of this application. Upon written request, and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body.
- c) The approval of Tentative Tract Map 8038 shall expire **two years** from the approval date, the effective date of its granting, unless the applicant files a Final Map with the City Engineer. Failure to file a Final Map within this time limit shall nullify the previous approval or conditional approval of the Tentative Tract Map. The Applicant may file one or more Final Maps for the project. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant an extension of this permit, and up to two subsequent extensions upon receipt of a subsequent written request and payment of appropriate fees received no later than the expiration date of the previous extension.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements (Also listed as SCA PUB-1 in the SCAMMRP)

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

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

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

Ongoing

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

6. Signed Copy of the Conditions/Mitigation Measures

Ongoing

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

7. Indemnification

Ongoing

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such

defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

- a) The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and adopted mitigation measures set forth below at its sole cost and expense, and subject to the review and approval of the City of Oakland.
- b) For purposes of these conditions of approval, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
- c) The project Applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Required Landscape Plan for New Construction

At the time of Design Review/Final Development Plan application

Submittal and approval of a landscape plan for each stage of the project will be required. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plans shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for each FDP/Design Review application shall show how the remainder of the site is being landscaped until that phase is developed. For instance, if the Applicant submits an FDP/Design Review application for Phase 1 of the PDP only, the Landscape plans for Phase 1 shall show the landscaping of the Phase 1 portion of the site as well as demonstrate how the remainder of the site will be landscaped until the future phases of the project are built out.
- c) Landscape plans shall incorporate pest-resistant and drought-tolerant landscaping practices. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

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

15. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

16. Underground Utilities

Prior to issuance of a building permit

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

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

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

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

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

Approved prior to the issuance of a grading or building permit

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

- a) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- b) Reconstruct drainage facility to current City standard as needed.
- c) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- d) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards at all pedestrian access points along the project frontage on E. 12th Street, 35th Avenue, and 37th Avenue.
- e) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage along all project street frontages.
- f) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.
- g) Install a new pedestrian crosswalk across 35th Avenue at the northwest corner of the project site, connecting the project site to the BART station across 35th. The details of the crosswalk design shall be shown in the Final Development Plan submittal.
- h) Install improvements along East 12th Street between 35th and 37th Avenues on both sides of the street. Improvements shall include the installation of street trees and tree grates, repairs to the existing sidewalk, and landscape enhancements.
- i) Install rail crossing improvements as specified in Condition no. 58.

j) Install additional improvements as specified in Condition no. 59.

19. Payment for Public Improvements

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

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

20. Compliance Matrix

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

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

21. Construction Management Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval and mitigation measures related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.

22. Parking and Transportation Demand Management (also listed in the SCAMMRP)

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

The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

- a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects
- c) Signage and striping onsite to encourage bike safety
- d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
- e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- f) Direct transit sales or subsidized transit passes
- g) Guaranteed ride home program
- h) Pre-tax commuter benefits (checks)
- i) On-site car-sharing program (such as City Car Share, Zip Car, etc.)
- j) On-site carpooling program
- k) Distribution of information concerning alternative transportation options
- l) Parking spaces sold/leased separately
- m) Parking management strategies; including attendant/valet parking and shared parking spaces

23. Dust Control (also listed as “SCA AIR-1” in the SCAMMRP)

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) 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.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

24. Construction Emissions (Also listed as "SCA AIR-2" in the SCAMMRP)

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low-NO_x tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

25. Days/Hours of Construction Operation (Also listed as "SCA NOI-1" in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

26. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

27. Noise Complaint Procedures (Also listed as "SCA NOI-3" in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

28. Interior Noise (Also listed as "SCA NOI-4" in the SCAMMRP)

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b. Prohibition of Z-duct construction.

29. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

30. Construction Traffic and Parking (also listed in the SCAMMRP)

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces on East 12th Street.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

31. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

32. Phase I and/or Phase II Reports

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

If the project site is listed in City records as containing hazardous materials or if the site has been identified on the State Cortese List, prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report. A Phase II report shall also be prepared if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

33. Environmental Site Assessment Reports Remediation (also listed as SCA HAZ-2 in the SCAMMRP)

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

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

34. Hazards Best Management Practices (also listed as SCA HAZ-1 in the SCAMMRP)

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

35. Waste Reduction and Recycling (also listed as SCA UTIL-2 in the SCAMMRP)

At the time of submittal of a Final Development Plan and/or Design Review for the whole project or a portion thereof

The Applicant shall demonstrate how the project will provide recycling facilities sufficient to meet the requirements of the Oakland Municipal Code.

Prior to issuance of demolition, grading, or building permit

The Applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP). Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The Applicant will submit an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

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

Ongoing

All mitigation measures identified in the Fruitvale Transit Village (Phase 2) EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and incorporated herein by reference. The Standard Conditions of Approval identified in the Fruitvale Transit Village (Phase 2) EIR are also included in the SCAMMRP. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting

requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

37. Vibration (Also listed as "SCA NOI-6" in the SCAMMRP)

Prior to issuance of a building permit

A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing groundborne vibration at the project site. If required in order to reduce groundborne vibration to acceptable levels, the project applicant shall incorporate special building methods to reduce groundborne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following:

- a) Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of ground-borne vibration to the residences above.
- b) Trenching, which involves excavating soil between the railway/freeway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets (i.e., Styrofoam) or low-density polyethylene).

38. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project Applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and

implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

39. Lighting Plan (Also listed as “SCA AES-1” in the SCAMMRP)

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

40. Asbestos Removal in Structures (Also listed as “SCA AIR-4” in the SCAMMRP)

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

41. Tree Removal Permit (Also listed as “SCA BIO-2” in the SCAMMRP)

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

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

42. Tree Removal During Breeding Season (Also listed as “SCA BIO-1” in the SCAMMRP)

Prior to issuance of a tree removal permit

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

43. Tree Replacement Plantings (Also listed as “SCA BIO-3” in the SCAMMRP)

The Landscape Plan(s) submitted at the Design Review/Final Development Plan stage shall reflect the requirements below. Project landscaping that reflects the required tree replanting standards shall be installed prior to the issuance of a Certificate of Occupancy for any given phase of the project.

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project Applicant's expense.

**44. Archaeological Resources (Also listed as "SCA CUL-1" in the SCAMMRP)
*Ongoing throughout demolition, grading, and/or construction***

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be

recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

45. Human Remains (Also listed as “SCA CUL-3” in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an 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.

46. Paleontological Resources (Also listed as “SCA CUL-2” in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

47. Fire Safety Phasing Plan

At the time of submittal of a Final Development Plan and/or Design Review for the whole project or a portion thereof

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

48. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

49. Erosion and Sedimentation Control Plan (also listed as SCA HYD-3 in the SCAMMRP)

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

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

50. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

51. Post-Construction Stormwater Management Plan (also listed as SCA HYD-1 in the SCAMMRP)

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a. The post-construction stormwater management plan shall include and identify the following:
- i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and

- iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b. The following additional information shall be submitted with the post-construction stormwater management plan:
- i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

52. Maintenance Agreement for Stormwater Treatment Measures (also listed as SCA HYD-2 in the SCAMMRP)

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

53. Stormwater and Sewer (also listed as SCA HYD-4 in the SCAMMRP)

Prior to completing the final design for the project's sewer service

- a) Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to

implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

- b) Construction over the common sewer and within the sewer easement is not permitted.
- c) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

54. Regulatory Permits and Authorizations

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

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

55. Structures within a Floodplain

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

- a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event.
- b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

56. Components of Final Development Plan(s).

Prior to the approval of any Final Development Plan application

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

- a) Conform to all major respects with the approved Preliminary Development Plan prepared by HKIT Architects, dated April 23, 2010, and included as ~~Exhibit xx to these Conditions of Approval~~ Attachment A to the Project Staff Report dated May 19, 2010;
- b) Comply with development standards of the S-15 Zone, except as modified to allow one parking space per dwelling unit as permitted by the Conditional Use Permit approved herein;
- c) Be consistent with the Fruitvale Transit Village (Phase 2) Design Guidelines, dated April 23, 2010 and as amended May 19, 2010 and included as ~~Exhibit xx to these Conditions of Approval~~ Attachment B to the Project Staff Report dated May 19, 2010;
- d) Include all information included in the Preliminary Development Plan plus the following:
 - a. The location of water, sewerage, and drainage facilities;
 - b. Detailed building floor plans, elevations and landscaping plans;
 - c. The character and location of signs;
 - d. Plans for street improvements; and
 - e. Grading or earth-moving plans.
- e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the buildings; and
- f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of CC&Rs, for the establishment of a homeowners association, or for performance bonds, and they shall be submitted with each Final Development Plan.

57. Final Development Plan and Design Review

The final site design and building elevations shall:

- a) Provide adequate screening of all rooftop utilities.

- b) Show interim building and site conditions. Building elevations for each FDP/Design Review application shall show how the building and site will look if the other building(s) are not constructed at the same time. For instance, if the Applicant submits an FDP/Design Review application for Phase 2 only of the PDP, the building elevations and site plan for Phase 2 shall show what the building and site will look like in its interim condition until the adjacent building (Phase 3) is constructed.
- c) Be subject to review and recommendation by the Planning Commission's Design Review Committee and review and approval by the Planning Commission.

58. Bicycle Parking

At the time of Design Review/Final Development Plan application

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities, the design and location of bicycle racks, and secure bicycle storage areas to serve the project.

59. Provision of Parking Spaces for Fruitvale Village (Phase 1)

At the time of first Design Review/Final Development Plan application

A parking study conducted by Dowling Associates in November 2009 concluded that with the loss of the public parking lot on the project site, the Fruitvale Transit Village (Phase 1) development to the west would have a deficiency of 61 parking spaces. At the time of the first FDP application for the Fruitvale Transit Village (Phase 2) project, the Applicant shall accomplish one of the following:

- a) Identify a new location for the 61 parking spaces for the dedicated use of the Fruitvale Transit Village (Phase 1) development, subject to review and approval by the Planning Director;
- b) Conduct a new parking survey to illustrate that a lesser amount of parking spaces are needed to serve the needs of the Fruitvale Transit Village (Phase 1). Identify a new location for the number of parking spaces needed for the dedicated use of the Fruitvale Transit Village (Phase 1) development, subject to review and approval by the Planning Director; or
- c) Apply to have the requirement to provide replacement parking waived, subject to review and approval by the Planning Commission.

60. Rail Crossing Improvements in the Project Vicinity

Prior to approval of first Design Review/Final Development Plan(s)

The Applicant shall submit Public Improvement Plans to the Transportation Services Division (TSD) committing to the installation of the following rail crossing safety improvements in the project vicinity. On behalf of the Applicant, TSD will coordinate with the Public Utilities Commission, rail authority, and others as needed to facilitate the installation of the improvements.

- a) **Median channelization/separation treatment on Fruitvale Avenue approaching the rail crossing.** Bollard/plastic curbing discourages vehicles from driving around the automated crossing arm gate. Install the bollard along the centerline on Fruitvale Avenue approaching the rail crossing in both directions.
- b) **Cross hatch pavement marking at Fruitvale and 37th Avenue rail crossings.** Similar to hatch pavement marking at intersections to indicate a "keep clear" zone. Install cross hatch pavement marking between two and six feet outside the rail at both identified crossings.

The Applicant shall install above improvements prior to the issuance of the first certificate of occupancy.

61. Tentative Tract Map 8038 and Recordation of Final Map(s)

- a) Prior to a certificate of occupancy for any of the 275 residential units, a Final Map shall be recorded pursuant to Case File PUD 08-186. The Applicant shall review the recordation with Engineering Services, as this department may have a different timeframe for final map submittal.
- b) The Final Map(s) shall show a 10 foot wide sidewalk (with 8 feet wide clear passageway) on 35th Avenue adjacent to the project site, not 8 feet as is currently shown, pursuant to the City's Pedestrian Master Plan and as warranted by the project's transit-oriented location.

- c) The Final Map(s) shall show a 26 foot wide Emergency Vehicle Access Easement along the southern portion of the site, parallel to the BART tracks and connecting 35th and 37th Avenues, pursuant to the 2008 Fire Code provisions for increased right-of-way access.
- d) All elevations shown on the Final Map(s) and any elevations established by this or future vertical subdivisions shall be based upon City of Oakland Datum.
- e) Prior to recordation of a Final Map, a site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division.
- f) Prior to recordation of a Final Map, City of Oakland Monuments shall be established or confirmed to accurately exist at each of the bounding intersections:
 - a. San Leandro/ 35th Ave
 - b. San Leandro /37th Ave
 - c. East 12th Street / 37th Ave
 - d. East 12th Street / 36th Ave
 - e. East 12th Street / 35th Ave.

These monuments will be shown upon the Final Map(s) with ties to adjacent monuments and to the adjacent (new/existing) boundary lines. Monuments shall be constructed to City Standards and shall become City Monuments upon acceptance by the City Engineer or City Surveyor. All monuments shall be installed and completed prior to the occupancy of **ANY** lot in this subdivision, regardless of sequencing or staged development. At least two of these monuments shall have an elevation established (based upon City of Oakland Datum) upon the surface of the monument disk. All relevant information shall be shown upon the Final Map(s) and provided to the City Surveyor upon recordation of the Final Map(s).

62. Tentative Tract Map 8038 – Engineering

The following items will be required at the time of Final Map(s) submittal:

- a) An application for a Final Map shall be made and all fees paid prior to any other application with City of Oakland Building Services.
- b) Show location of existing and proposed drainage, sanitary sewer, water supply, and other utility facilities for each lot.
- c) Existing utilities and their associated easements lie within the project site. It appears that these utilities will have to be relocated from the project site and the easements vacated. Note that building structures cannot be located within any City utility easement. The City believes that the underground 12kv line has similar restrictions.
- d) The proposed storm drain system shown on the map shall be designed and constructed to City standards. The proposed project may increase storm drain sewer flows beyond the capacity of the existing storm drain sewer system. Sanitary sewer impact fees may be owed. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit
- e) If buildings along the southern boundary of the project will be greater than 30-feet in height, the applicant shall provide a 26-foot wide emergency access easement along the entire southern boundary. If the Applicant is proposing to utilize a portion of BART property for this easement, BART shall sign the Final Map and other applicable documents.
- f) Emergency vehicles utilizing the emergency access easement along the southern boundary may encroach on the clearance zone for the BART trains. The applicant shall obtain BART approval for any facilities built on BART property and for any uses of the air space within BART property.
- g) Show location, purpose, and width of all existing and proposed easements.
- h) There are existing bus stops within the vicinity of the project. If bus stops are proposed for relocation or otherwise to be affected by the project, please provide documentation that the

project has been coordinated with AC Transit. Documentation shall include discussion and approval of bus stop locations and the need for improvements for bus stops.

- i) Note that the property lies within a seismic hazard zone with earthquake-induced liquefaction potential. A soils report may be required. If required, submit geotechnical reports meeting the guidelines of Special Publication 117 prepared by a licensed civil engineer or a registered engineering geologist to the City for review when applying for permits. A statement acknowledging the above shall be placed on the parcel map. Add a statement to the Map that says “This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE - Liquefaction Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property.”
- j) The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Sanitary sewer impact fees may be owed. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.
- k) Coordinate the project with the City of Oakland Fire Department. The applicant shall obtain approval from the Fire Department prior to approval of the Final Map(s).
- l) The existing traffic signals and stop signs in the vicinity of the project may require improvements to support the proposed traffic. Coordinate with the Traffic Engineering Department of PWA. Obtain approval for traffic signal modification/replacement from the City.
- m) Obtain approval for driveway locations and proposed traffic movements from PWA prior to obtaining Grading, Demolition, or P-job permits.
- n) Street, curb, gutter, sidewalk, sewer, undergrounding of overhead utilities and other improvements are required along the frontage of the project to the centerline of the public right-of-way.
- o) Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map(s) or the issuance of Grading, Demolition, or P-job permits.
- p) Obstruction permits for parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits. New parking meter locations and/or relocation of existing meters shall approved by the City prior to removal of any existing meters.
- q) Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map(s) or issuance of any permits.
- r) Obtain approval from the City for the location of any joint trench and utility box locations.
- s) Shoring and/or tie-backs if used in construction may require Major Encroachment Permits.
- t) Utility vaults may require Major Encroachment permits.
- u) Show any proposed dedications or vacations on the Final Map(s).
- v) Obtain approval from the City for any installation, removal and/or relocation of street lights from the City.
- w) New sidewalks and wheelchair ramps shall conform to City of Oakland standards.
- x) Driveways openings and vehicular access shall conform to City of Oakland Standard Plans.
- y) Improvements within the public right-of-way may be a part of this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Final Map(s). Improvements shall be designed to City standards.
- z) The project lies within a FEMA designated Flood Zone. Please state the Flood Zone designation on the Final Map.

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
4.1 Air Quality						
<p>Impact AIR-1: Activities associated with demolition, site preparation, and construction throughout development of the project would generate criteria air pollutants. (Less than Significant under existing and proposed BAAQMD Thresholds)</p>	<p>AIR-1: Dust Control Prior to issuance of a demolition, grading or building permit. During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include: Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). a) Pavement, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. b) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. c) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. d) Limit the amount of the disturbed area at any one time, where feasible. e) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. f) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. g) Replant vegetation in disturbed areas as quickly as feasible. h) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). i) Limit traffic speeds on unpaved roads to 15 miles per hour.</p>	<p>AIR-1 and AIR-2 shall be implemented prior to issuance of a demolition, grading or building permit.</p>	<p>City of Oakland, CEDA, Building Services Division</p>			

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Draft EIR Topics (In Order of Presentation in the Draft EIR)						
	<p>j) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.</p> <p>AIR-2: Construction Emissions</p> <p>Prior to issuance of a demolition, grading or building permit. To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:</p> <p>k) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.</p> <p>l) Perform low-NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.</p>					
<p>Impact AIR-4: The proposed project could result in exposure of persons to substantial levels of PM2.5 concentrations and Toxic Air Contaminants (TACs) which may result in adverse health effects. (Significant during construction under proposed BAAQMD Thresholds only)</p>	<p>Mitigation Measure AIR-4: The project applicant and its contractors shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used during construction of the project would achieve a project wide fleet-average of 20 percent NOx reduction and a 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options from reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as such become available.</p>	<p>Prior to issuance of a demolition, grading or building permit</p>	<p>City of Oakland, CEDA, Building Services Division; City of Oakland, CEDA Planning and Zoning</p>			
4.2 Noise						
<p>Impact NOI-1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. (Potentially Significant)</p>	<p>Standard Conditions of Approval:</p> <p>NOI-1: Days/Hours of Construction Operation</p> <p>NOI-3: Noise Complaint Procedures</p>	<p>Ongoing throughout demolition, grading and/or construction</p>	<p>City of Oakland, CEDA, Building Services Division; City of Oakland, CEDA, Planning</p>			

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FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
Impact NOI-3: The project would place noise-sensitive multifamily residential uses in a noise environment characterized as "normally unacceptable" for such uses by the City of Oakland. (Potentially Significant)	Standard Condition of Approval: NOI-4: Interior Noise	Prior to issuance of a building permit and Certificate of Occupancy	City of Oakland, CEDA Building Services Division; City of Oakland, CEDA, Planning and Zoning			
Impact NOI-4: The project would expose sensitive residential uses to groundborne vibration from trains passing by on the UPRR tracks. (Potentially Significant)	Standard Condition of Approval: NOI-6: Vibration	Prior to issuance of a building permit and Certificate of Occupancy	City of Oakland, CEDA Building Services Division; City of Oakland, CEDA, Planning and Zoning			
4.3 Transportation, Circulation and Parking Before Project Approval						
	Standard Condition of Approval, Parking and Transportation Demand Management <i>Prior to issuance of a final inspection of the building permit:</i> The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following: a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects c) Signage and striping onsite to encourage bike safety d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. f) Direct transit sales or subsidized transit passes	Prior to issuance of a final inspection of the first building permit	Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division			

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)	<ul style="list-style-type: none"> g) Guaranteed ride home program h) Pre-tax commuter benefits (checks) i) On-site car-sharing program (such as City Car Share, Zip Car, etc.) j) On-site carpooling program k) Distribution of information concerning alternative transportation options l) Parking spaces sold/leased separately m) Parking management strategies; including attendant/valet parking and shared parking spaces 					
Project Construction	<p>Standard Condition of Approval, Construction Traffic and Parking:</p> <p><i>Prior to the issuance of a demolition, grading or building permit:</i></p> <p>The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. c) Location of construction staging areas for materials, equipment, and vehicles at an approved location. d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning 	<p>Prior to the issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, CEDA Building Services Division; City of Oakland, CEDA, Planning and Zoning</p>			

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FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)	<p>shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.</p> <p>e) Provision for accommodation of pedestrian flow.</p> <p><i>Major Project Cases:</i></p> <p>f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</p> <p>g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.</p> <p>h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</p> <p>i) No materials or equipment shall be stored on the traveled roadway at any time.</p> <p>j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.</p> <p>k) All equipment shall be equipped with mufflers.</p> <p>l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.</p> <p>Mitigation Measure TRANS-1: Modify the PM peak hour signal timing at the intersection of Fruitvale Avenue / East 9th Street to increase the green time for the eastbound and westbound (East 9th Street) approaches and decrease the green time for the northbound and southbound (Fruitvale Avenue) through movements.</p> <p>To implement this measure, the project applicant shall</p>					
Impact TRANS-1: Buildout of the proposed project would cause an increase in the average delay by more than six seconds during the PM peak hour for the critical eastbound (East 9th Street) through movement at Intersection #4 Fruitvale Avenue / East 9th Street, which currently operates at an		Submit plan prior to the issuance of first building permit; implement signal	Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division			

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FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
<p>Draft EIR Topics (In Order of Presentation in the Draft EIR)</p>	<p>unacceptable LOS E. (Significant)</p>	<p>submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ul style="list-style-type: none"> • 2070L Type Controller; • GPS clock installation (if not already in the City's ITS Master Plan); • ADA-compliant curb ramps on all corners (if not already installed); • Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); • Countdown Pedestrian Signals; and • Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. 	<p>modification measures according to timing outlined in approved plan.</p>			
<p>Impact TRANS-2: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #4 - Fruitvale Avenue and East 9th Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)</p>	<p>Mitigation Measure TRANS-2: Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 9th Street to allow protected-permitted left-turn movements on the northbound and southbound (Fruitvale Avenue) through movements, and refine the signal phase time. To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing</p>				

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
	<ul style="list-style-type: none"> signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: 2070L Type Controller; GPS clock installation (if not already in the City's ITS Master Plan); ADA-compliant curb ramps on all corners (if not already installed); Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); Countdown Pedestrian Signals; and Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. Signal timing plans for the signals in the coordination group. 	outlined in approved plan.				
<p>Impact TRANS-3: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical eastbound (East 12th Street) through movement at Intersection #6 - 35th Avenue and East 12th Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)</p>	<p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p> <p>Mitigation Measure TRANS-3: Modify the PM peak-hour traffic signal timing at the intersection of 35th Avenue / East 12th Street to provide increased green time for the east-west (East 12th Street) approach and decreased green time for the north-south (35th Avenue) approach.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> 2070L Type Controller; 	Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.	Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division			

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FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<ul style="list-style-type: none"> o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. 	<ul style="list-style-type: none"> o Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>					
<p>Impact TRANS-4: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2015 Baseline conditions to an unacceptable LOS E at Intersection #8 - San Leandro Street and 35th Avenue. (Significant)</p>	<p>Mitigation Measure TRANS-4: At the intersection of San Leandro Street / 35th Avenue, eliminate the protected left-turn signal phase for westbound San Leandro Street, and optimize the signal split during the PM peak-hour.</p> <ul style="list-style-type: none"> o To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval: Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. o Signal timing plans for the signals in the coordination 	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-5: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #14 - San Leandro Street and High Street, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)</p>	<p>The project applicant shall fund the cost of preparing and implementing this measure.</p> <p>Mitigation Measure TRANS-5: Modify the PM peak-hour traffic signal phasing at the intersection of San Leandro Street / High Street to provide increased green time for the east-west (San Leandro Street) approach and decreased green time for the north-south (High Street) approach.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			
<p>Impact TRANS-6: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) through movement at Intersection</p>	<p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p> <p>Mitigation Measure TRANS-6: Modify the AM peak-hour traffic signal timing at the intersection of High Street / Coliseum Way to provide increased green time for the southbound (High Street) through movement and decreased green time for the northbound (High Street) left-turn</p>	<p>Submit plan prior to the issuance of first building permit; Implement</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction,</p>			

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
<p>Draft EIR Topics (In Order of Presentation in the Draft EIR)</p> <p>#15 - High Street and Coliseum Way, which would operate at an unacceptable LOS F under 2015 Baseline conditions. (Significant)</p>	<p>movement.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>signal modification measures according to timing outlined in approved plan.</p>	<p>Transportation Services Division</p>			
<p>Impact TRANS-7: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical southbound (Fruitvale Avenue) through movement at Intersection #1 - Fruitvale Avenue / International Boulevard, which would operate at LOS F under 2035 Baseline conditions. (Significant)</p>	<p>Mitigation Measure TRANS-7: Modify the PM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / International Boulevard to provide increased green time for the north-south (Fruitvale Avenue) approaches and decreased green time for the east-west (International Boulevard) approaches.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities 	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below:</p>	<ul style="list-style-type: none"> o 2070L Type Controller o GPS clock installation (if not already in the City's ITS Master Plan) o ADA-compliant curb ramps on all corners (if not already installed) o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) o Countdown Pedestrian Signals o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. 					
<p>Impact TRANS-8: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the PM peak hour for the critical southbound (Fruitvale Avenue) through movement at Intersection #2 - Fruitvale Avenue / East 12th Street, which would operate at LOS F under 2035 Baseline conditions. (Significant)</p>	<p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p> <p>Mitigation Measure TRANS-8: Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 12th Street to provide protected-permissive left-turn phasing for eastbound and westbound (East 12th Street) and to provide increased green time for southbound (Fruitvale Avenue) and decreased green time for eastbound (East 12th Street).</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; 	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-9: Buildout of the proposed project would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical northbound (Fruitvale Avenue) through movement at Intersection #3 - Fruitvale Avenue / San Leandro Street, which would operate at LOS F under 2035 Baseline conditions. (Significant)</p>	<ul style="list-style-type: none"> o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Mitigation Measure TRANS-9: Modify the AM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / San Leandro Street to provide increased green time for the north-south (Fruitvale Avenue) approaches and decreased green time for the east-west (San Leandro Street) approaches.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and 	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>	<p>Submit plan prior to the issuance of first building permit; implement signal modification measures according to timing outlined in approved plan.</p>		

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-10: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #4 - Fruitvale Avenue and East 9th Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical eastbound (East 9th Street) through movement. (Significant)</p>	<ul style="list-style-type: none"> o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Mitigation Measure TRANS-10: Modify the PM peak-hour signal phasing at the intersection of Fruitvale Avenue / East 9th Street to provide protected-permissive left-turn phasing for northbound and southbound (Fruitvale Avenue) and to provide increased green time for the east-west (East 9th Street) approaches and decreased green time for the north-south (Fruitvale Avenue) approaches.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller; o GPS clock installation (if not already in the City's ITS Master Plan); o ADA-compliant curb ramps on all corners (if not already installed); o Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons); o Countdown Pedestrian Signals; and o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet. • Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>		

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-11: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2035 Baseline conditions to an unacceptable LOS E at Intersection #5 - Fruitvale Avenue / East 8th Street. (Significant)</p>	<p>Mitigation Measure TRANS-11: Modify the PM peak-hour traffic signal timing at the intersection of Fruitvale Avenue / East 8th Street to provide increased green time for the east-west (East 8th Street) approaches and decreased green time for the north-south (Fruitvale Avenue) approaches.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: <ul style="list-style-type: none"> 2070L Type Controller GPS clock installation (if not already in the City's ITS Master Plan) ADA-compliant curb ramps on all corners (if not already installed) Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) Countdown Pedestrian Signals Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet Signal timing plans for the signals in the coordination group. <p>The project applicant shall fund the cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-12: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM peak hour at Intersection #6 - 35th Avenue and East 12th Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM and PM peak hours for the critical northbound (35th Avenue) through movement. (Significant)</p>	<p>Mitigation Measure TRANS-12: Restripe the northbound (35th Avenue) approach at the intersection of 35th Avenue / East 12th Street to provide one shared left-through lane and one shared through-right lane, which would require removal of two parking or loading spaces on the west side of 35th Avenue.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • A striping plan, and a traffic signal timing plan. <p>The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement re-striping and signal timing according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			
<p>Impact TRANS-13: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the PM peak hour at Intersection #8 - San Leandro Street and 35th Avenue, which would operate at LOS F under 2035 Baseline conditions. (Significant)</p>	<p>Mitigation Measure TRANS-13: Restripe the southbound (35th Avenue) approach at the intersection of San Leandro Street / 35th Avenue to provide one shared left-through lane and one exclusive right-turn lane, which would require removal of up to three parking spaces on the west side of 35th Avenue. Also, modify the PM peak-hour traffic signal timing to provide increased green time for the westbound (San Leandro Street) through movement and decreased green time for the north-south (35th Avenue) approaches.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller o GPS clock installation (if not already in the City's ITS Master Plan) o ADA-compliant curb ramps on all corners (if not already installed) o Full signal actuation (includes video detection, 	<p>Submit plan prior to the issuance of first building permit; Implement re-striping and signal timing according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
	<ul style="list-style-type: none"> bicycle detection, pedestrian push buttons) o Countdown Pedestrian Signals o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. 					
	<p>The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.</p>					
<p>Impact TRANS-14: Buildout of the proposed project would add more than 10 trips during the PM peak hour to Intersection #9 - 37th Avenue / East 12th Street, which would meet signal warrants, and would operate at LOS F under 2035 Baseline conditions. (Significant)</p>	<p>Mitigation Measure TRANS-14: Signalize the intersection of 37th Avenue / East 12th Street when the Caltrans Manual on Uniform Traffic Control Devices signal warrants are met.</p> <p>The project applicant shall pay for future signal warrant analysis (estimated to be \$21,000 in 2009 dollars) to be done in three-year intervals, and its fair-share cost of signalization of this intersection.</p>	<p>Cost of signal warrant analysis to be collected prior to issuance of first building permit.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			
<p>Impact TRANS-15: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds at during the AM and PM peak hours Intersection #10 - San Leandro Street / 37th Avenue, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical westbound (San Leandro Street) through movement. (Significant)</p>	<p>Mitigation Measure TRANS-15: Restripe the southbound (37th Avenue) approach at the intersection of San Leandro Street / 37th Avenue to provide one exclusive left-turn lane and one shared through-right lane; and restripe the westbound (San Leandro Street) approach to provide one shared left-through lane, one through lane and one exclusive right-turn lane. The latter restriping would require removal of up to two parking spaces on the north side of San Leandro Street.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • A striping plan, and a traffic signal timing plan. <p>The project applicant shall be responsible for all work associated with removal of parking spaces and shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement re-striping and signal timing according to outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			
<p>Impact TRANS-16: Buildout of the proposed project would cause the PM peak-hour LOS to degrade from an acceptable LOS D under 2035 Baseline conditions to an unacceptable LOS E at Intersection #11 - International</p>	<p>Mitigation Measure TRANS-16: Modify the PM peak-hour traffic signal timing at the intersection of International Boulevard / 38th Avenue to increase the cycle length from 65 seconds to 67 seconds.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation</p>	<p>Submit plan prior to the issuance of first building permit; Implement</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction,</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
Boulevard / 38th Avenue. (Significant)	<p>Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: <ul style="list-style-type: none"> ○ 2070L Type Controller ○ GPS clock installation (if not already in the City's ITS Master Plan) ○ ADA-compliant curb ramps on all corners (if not already installed) ○ Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) ○ Countdown Pedestrian Signals ○ Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. <p>To implement this measure, the project applicant shall submit signal timing plans to City of Oakland's Transportation Services Division for review and approval. As a condition of project approval, the traffic signal would be upgraded to include a GPS clock and pedestrian signal heads.</p> <p>The project applicant shall fund the cost of preparing and implementing this measure.</p>	signal modification measures according to timing outlined in approved plan.	Transportation Services Division			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
<p>Impact TRANS-17: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM peak hour at Intersection #13 - International Boulevard / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) through movement. (Significant)</p>	<p>Mitigation Measure TRANS-17: Modify the AM peak-hour signal phasing at the intersection of International Boulevard / High Street to provide protected-permissive left-turn phasing for westbound (International Boulevard) and optimize the signal split during the AM peak hour.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: <ul style="list-style-type: none"> 2070L Type Controller GPS clock installation (if not already in the City's ITS Master Plan) ADA-compliant curb ramps on all corners (if not already installed) Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons) Countdown Pedestrian Signals Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet Signal timing plans for the signals in the coordination group. <p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			
<p>Impact TRANS-18: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at Intersection #14 - San Leandro Street / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay</p>	<p>Mitigation Measure TRANS-18: No feasible mitigation measure was identified to reduce the project impact to less than significant level. Optimizing the signal split times would improve the average delay for the overall intersection to better than 2035 Baseline conditions during the AM and PM peak hours, but would result in secondary impacts on critical movement delays. Widening either High Street or San Leandro Street to provide additional capacity would also lessen the project impact, but is not feasible due to</p>	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
<p>Draft EIR Topics (In Order of Presentation in the Draft EIR)</p> <p>during the PM peak hour by more than four seconds for the critical northbound (High Street) through movement. (Significant)</p>	<p>right-of-way constraints.</p> <p>As a condition of project approval, the traffic signal would be upgraded to current City of Oakland standards and include:</p> <ul style="list-style-type: none"> • 2070L Type Controller • Full signal actuation (video detections & audible pedestrian pushbuttons) • Countdown Pedestrian Signals • GPS clock installation • Signal Interconnect and optimizing signal timing. <p>Since this intersection would be retimed under MM TRANS-5, the AM peak period would be added to the retiming process.</p>	<p>according to timing outlined in approved plan.</p>				
<p>Impact TRANS-19: Buildout of the proposed project would cause an increase in the overall intersection average delay by more than two seconds during the AM and PM peak hours at Intersection #15 - Coliseum Way / High Street, which would operate at LOS F under 2035 Baseline conditions. The addition of project traffic also would cause an increase in the average delay by more than four seconds during the AM peak hour for the critical southbound (High Street) left-turn movement. (Significant)</p>	<p>Mitigation Measure TRANS-19: Modify the AM peak-hour traffic signal timing at the intersection of Coliseum Way / High Street to provide increased green time for the southbound (High Street) approach and decreased green time for the northbound (High Street) left-turn movement. Modify the PM peak-hour traffic signal timing to provide increased green time for the north-south (High Street) approaches and decreased green time for the westbound (Coliseum Way) approach.</p> <p>To implement this measure, the project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection to accommodate the signal modifications. The signal should be designed to City standards in effect at the time of construction. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for among other items the elements listed below: <ul style="list-style-type: none"> o 2070L Type Controller o GPS clock installation (if not already in the City's ITS Master Plan) o ADA-compliant curb ramps on all corners (if not already installed) o Full signal actuation (includes video detection, 	<p>Submit plan prior to the issuance of first building permit; Implement signal modification measures according to timing outlined in approved plan.</p>	<p>Project Sponsor; City of Oakland, CEDA, Department of Engineering and Construction, Transportation Services Division</p>			

**STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Draft EIR Topics (In Order of Presentation in the Draft EIR)						
	<ul style="list-style-type: none"> o bicycle detection, pedestrian push buttons) o Countdown Pedestrian Signals o Signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet • Signal timing plans for the signals in the coordination group. 					
	<p>The project applicant shall contribute its fair-share cost of preparing and implementing this measure.</p>					
<p>Impact TRANS-21: Buildout of the proposed project would contribute to 2015 changes to traffic conditions on the regional and local roadways. (Significant)</p>	<p>Mitigation Measure TRANS-21: Mitigation of the project's significant impact on eastbound San Leandro Street west of 35th Avenue is not feasible. An additional lane on eastbound San Leandro Street would require removal of the parking lane or widening of San Leandro Street. However, such measures are considered infeasible due to physical constraints caused by on-street parking demand and existing right-of-way.</p>	None	None			
<p>Impact TRANS-22: Buildout of the proposed project would contribute to 2015 changes to traffic conditions on the regional and local roadways. (Significant)</p>	<p>Mitigation Measure TRANS-22: Mitigation of the project's significant impact on eastbound San Leandro Street west of High Street is not feasible. An additional lane on eastbound San Leandro Street would require removal of the parking lane or widening of San Leandro Street. However, such measures are considered infeasible due to physical constraints caused by on-street parking demand and existing right-of-way.</p>	None	None			

**MITIGATION AND MONITORING REPORTING PROGRAM
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Initial Study Topics (In Order of Presentation in the Initial Study)						
I. Aesthetics						
<p>Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?</p>	<p>STANDARD CONDITION AES-1: (Lighting Plan) <i>Prior to the issuance of an electrical or building permit</i> The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that would prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.</p>	<p>Prior to the issuance of an electrical or building permit</p>	<p>City of Oakland, CEDA Planning and Zoning; City of Oakland, Public Works Agency, Electrical Services Division</p>			
IV. Biological Resources						
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>STANDARD CONDITION BIO-1: (Tree Removal During Breeding Season) <i>Prior to the issuance of a tree removal permit</i> To the extent feasible, removal of any tree and/or vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>	<p>Prior to issuance of a tree removal permit</p>	<p>City of Oakland, CEDA, Planning and Zoning; City of Oakland, Public Works Agency, Tree Services Division</p>			

**MITIGATION AND MONITORING REPORTING PROGRAM
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Initial Study Topics (In Order of Presentation in the Initial Study)						
<p>f) Fundamentally conflict with the City of Oakland Tree Preservation Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances? Factors to be considered in determining significance include: The number, type, size, location and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees.</p>	<p>STANDARD CONDITION BIO-1: (Tree Removal During Breeding Season) See above. STANDARD CONDITION BIO-2: (Tree Removal Permit) Prior to issuance of a demolition, grading, or building permit</p>	<p>Prior to issuance of a demolition, grading, or building permit; Prior to issuance of a final inspection of the building permit</p>	<p>City of Oakland, Public Works Agency; Tree Services Division</p>			
<p>Protected trees include the following: Quercus agrifolia (California or coast live oak) measuring four inches diameter at breast height (dbh) or larger, and any other tree measuring nine inches dbh or larger except eucalyptus and pinus radiata (Monterey pine); provided, however, that Monterey pine trees on City property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed are considered to be Protected trees.</p>	<p>STANDARD CONDITION BIO-3: (Tree Replacement Plantings) Prior to issuance of a final inspection of the building permit Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria: 1) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. 2) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division. 3) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. 4) Minimum planting areas must be available on site as follows: i. For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; ii. For all other species listed in #2 above, seven</p>					

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	<p>hundred square feet per tree.</p> <p>5) In the event that replacement trees are required but cannot be planted due to site constraints, an in-lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>6) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.</p>					
	<p>STANDARD CONDITION BIO-4: (Tree Protection During Construction)</p> <p>Prior to issuance of a demolition, grading, or building permit</p> <p>Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p>					
	<p>1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</p>					
	<p>2) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing</p>					

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	<p>ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</p>					
3)	<p>No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p>					
4)	<p>Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p>					
5)	<p>If any damage to a protected tree should occur during, or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p>					
6)	<p>All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>					
V. Cultural Resources						
b)	<p>Cause a substantial adverse change in the significance of an archaeological resource pursuant to</p>	<p>Ongoing throughout demolition, grading,</p>	<p>City of Oakland, CEEDA, Planning</p>			

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<p>Initial Study Topics (In Order of Presentation in the Initial Study) δ15064.5?</p>	<p>Prior to construction Following review of the project by a qualified archaeologist, if it is determined that the project site is in a culturally-sensitive area and that construction may impact potentially-significant archaeological resources, an Archaeological Research Design and Treatment Plan (ARDTP) shall be developed prior to construction. The ARDTP should contain an archaeological research context to evaluate potentially-significant resources; a sensitivity study and testing plan to identify expected property types, historical development, relevant research issues and themes, and project impacts; and an archaeological testing plan to identify potentially significant archaeological features and deposits, and a treatment plan that includes methods, analysis, report production, laboratory analysis, and curation of materials.</p> <p>Ongoing throughout demolition, grading, and/or construction In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measures for historical resources or unique archaeological resources are carried out.</p> <p>Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate</p>	<p>and/or construction</p>	<p>and Zoning</p>			

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.</p> <p>STANDARD CONDITION CUL-2: (Paleontological Resources) <i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards, 1995). The qualified paleontologist 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. The paleontologist shall notify the appropriate agencies to determine procedures that will be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	Ongoing throughout demolition, grading, and/or construction; upon discovery of paleontological resources	City of Oakland, CEDA, Planning and Zoning			
d) Disturb any human remains, including those interred outside of formal cemeteries?	<p>STANDARD CONDITION CUL-3: (Human Remains) <i>Ongoing throughout demolition, grading and/or construction</i></p> <p>If potential human remains are encountered, all work shall halt in the vicinity of the find and the Alameda County Coroner shall be contacted to evaluate the remains, following the procedures and protocols pursuant to Section 15064.5 (e) (1) of the CEQA Guidelines. If the coroner determines the remains are Native American, the coroner shall contact the NAHC, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with</p>	Ongoing throughout demolition, grading, and/or construction; upon discovery of human remains	City of Oakland, CEDA, Planning and Zoning			

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<p>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>						
VI. Geology and Soils						
<p>a) Expose people or structures to substantial risk of loss, injury, or death involving: ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse?</p>	<p>Standard Condition GEO-1: (Geotechnical Report) Required at the time of submittal of Final Map(s) 1) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:</p>	<p>Required as part of the submittal of a tentative Tract Map or tentative Parcel Map; required prior to issuance of a demolition, grading, or building permit.</p>	<p>City of Oakland, CEDA, Building Services Division</p>			
<p>i. Each investigation shall include an analysis of expected ground motions at the site from identified 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 identified faults.</p>						
<p>ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</p>						
<p>iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design, as approved by the City of Oakland.</p>						
<p>iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p>						
<p>v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p>						

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<p>Initial Study Topics (In Order of Presentation in the Initial Study)</p> <p>b) Result in substantial soil erosion or the loss of topsoil, creating substantial risks to life, property, or creek/waterways?</p>	<p>vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>2) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.</p>	<p>STANDARD CONDITION GEO-2: (Grading Permit) Prior to any grading activities</p> <p>1) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Required prior to any grading activities; required prior to issuance of a demolition, grading, or building permit.</p>		

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c) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as it may be revised), creating substantial risks to life or property?	<p>any debris or sediment.</p> <p>Ongoing throughout grading and construction activities</p> <p>2) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	Required as part of the submittal of a tentative Tract Map or tentative Parcel Map; required prior to issuance of a demolition, grading, or building permit.	City of Oakland, CEDA, Building Services Division			
Standard Condition GEO-1: (Geotechnical Report) See above.						
VII. Hazards and Hazardous Materials						
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<p>STANDARD CONDITION HAZ-1: (Hazards Best Management Practices)</p> <p>Prior to commencement of demolition, grading, or construction</p> <p>The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ol style="list-style-type: none"> 1) Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction; 2) Avoid overtopping construction equipment fuel gas tanks; 3) During routine maintenance of construction equipment, properly contain and remove grease and oils; 4) Properly dispose of discarded containers of fuels and other chemicals. 5) Ensure that construction will not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and 	Prior to issuance of a demolition, grading or building permit; ongoing throughout demolition, grading, and/or construction.	City of Oakland, Fire Department, Office of Emergency Services; City of Oakland, CEDA, Building Services Division			

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	<p>subsurface hydraulic lifts when on-site demolition, or construction activities will potentially affect a particular development or building.</p>					
6)	<p>If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>					
d)	<p>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?¹</p>	<p>STANDARD CONDITION HAZ-2: (Environmental Site Assessment Reports Remediation) Prior to issuance of a demolition, grading, or building permit</p>	<p>Required prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit, City of Oakland, CEDA, Building Services Division; City of Oakland, CEDA Planning and Zoning</p>		
	<p>If the environmental site assessment reports recommend remedial action, the project applicant shall:</p>					
1)	<p>Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.</p>					
2)	<p>Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.</p>					

¹ The Cortese List is the compiled list of hazardous materials sites, pursuant to Government Code Section 65962.5. Appendix B of the CEQA Thresholds / Criteria of Significance Guidelines contains guidance on the Cortese List.

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3)	Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.					
VIII. Hydrology and Water Quality						
a)	Violate any water quality standards or waste discharge requirements?	<p>STANDARD CONDITION HYD-1: (Post-Construction Stormwater Pollution Management Plan, http://www.cleanwaterprogram.com)</p> <p><i>Prior to issuance of a building permit (or other construction-related permit)</i></p> <p>The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p>	City of Oakland, CEDA, Building Services Division	Prior to issuance of a demolition, grading or building permit; prior to and ongoing throughout demolition, grading and/or construction activities		
1)	The post-construction stormwater pollution management plan shall include and identify the following:	<ol style="list-style-type: none"> i. All proposed impervious surface on the site; ii. Anticipated directional flows of on-site stormwater runoff; and iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and iv. Source control measures to limit the potential for stormwater pollution; and v. Stormwater treatment measures to remove pollutants from stormwater runoff. 				
2)	The following additional information shall be submitted					

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	<p>transferred to another entity, and</p> <p>2) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>					
c) Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	<p>STANDARD CONDITION HYD-3: (Erosion and Sedimentation Control Plan) Prior to any grading activities</p> <p>1) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p>	<p>Prior to issuance of a demolition, grading or building permit; prior to and ongoing throughout demolition, grading and/or construction activities</p>	<p>City of Oakland, CEDA, Building Services Division</p>			

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	2) Throughout grading and construction activities, the project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.					
d) Result in substantial flooding on- or off-site?	<p>STANDARD CONDITION HYD-4: (Stormwater and Sewer)</p> <p>Prior to completing the final design for the project's sewer service</p> <p>Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>	Prior to completing the final design for the project's storm drainage and sewer service	City of Oakland, Public Works Agency, Sewer and Stormwater Division			
f) Create or contribute substantial runoff which would be an additional source of polluted runoff?	<p>STANDARD CONDITION HYD-1: (Post-Construction Stormwater Pollution Management Plan)</p> <p>STANDARD CONDITION HYD-2: (Maintenance Agreement for Stormwater Treatment Measures)</p> <p>See above.</p>	Prior to issuance of a demolition, grading or building permit; prior to ongoing throughout demolition, grading and/or construction activities	City of Oakland, CEDA, Building Services Division			
g) Otherwise substantially degrade water quality?	<p>STANDARD CONDITION HYD-1: (Post-Construction Stormwater Pollution Management Plan)</p> <p>STANDARD CONDITION HYD-2: (Maintenance Agreement for Stormwater Treatment Measures)</p> <p>See above.</p>	Prior to issuance of a demolition, grading or building permit; prior to ongoing throughout demolition, grading and/or	City of Oakland, CEDA, Building Services Division			

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Initial Study Topics (In Order of Presentation in the Initial Study)						
XIII. Public Services						
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	<p>STANDARD CONDITION PUB-1: (Conformance with Other Requirements)</p> <p>Prior to issuance of a demolition, grading, P-job, or other construction related permit:</p> <p>1) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.</p> <p>2) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.</p>	<p>Required prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, Fire Prevention Bureau, City of Oakland, CEDA, Building Services Division</p>			
construction activities						
XVI. Utilities and Service Systems						
a) Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	<p>STANDARD CONDITION UTIL-1: (Stormwater and Sewer)</p> <p>Prior to completing the final design for the project's sewer service</p> <p>Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak</p>	<p>Prior to completing the final design for the project's storm drainage and sewer service</p>	<p>City of Oakland, Public Works Agency, Sewer and Stormwater Division</p>			

**MITIGATION AND MONITORING REPORTING PROGRAM
FOR FRUITVALE TRANSIT VILLAGE PHASE 2 PROJECT**

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Initial Study Topics (In Order of Presentation in the Initial Study)						
stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.						
b) Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	Standard Condition HYD-4: (Stormwater and Sewer) See above.	Prior to completing the final design for the project's storm drainage and sewer service	City of Oakland, Public Works Agency, Sewer and Stormwater Division			
d) Result in a determination by the wastewater treatment provider which 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 and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	STANDARD CONDITION UTIL-1: (Stormwater and Sewer) See above.	Prior to completing the final design for the project's storm drainage and sewer service	City of Oakland, Public Works Agency, Sewer and Stormwater Division			
e) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	STANDARD CONDITION UTIL-2: (Waste Reduction and Recycling) The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. Prior to issuance of demolition, grading, or building permit Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Pages39.aspx or in the Green Building Resource Center. After approval of the plan, the project	Prior to issuance of a demolition, grading, or building permit and ongoing during construction	City of Oakland, Public Works Agency, Environmental Services Division			

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Reporting Comments	Reporting Date / Monitor's Initials
Initial Study Topics (In Order of Presentation in the Initial Study)						
	<p>applicant shall implement the plan.</p> <p>Ongoing</p> <p>The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>					
f) Violate applicable federal, state, and local statutes and regulations related to solid waste?	<p>STANDARD CONDITION UTIL-2: (Waste Reduction and Recycling)</p> <p>See above.</p>					

APPROVED BY:

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

Applicant and/or Developer Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on May 19, 2010. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Developer/Contractor _____ (date)