

Project Title:	High and MacArthur Mixed-Use Project
Location:	4311-4317 MacArthur Boulevard (APN 030-1982-121-00 through 030-1982-123-00)
Proposal:	Redevelopment of a currently vacant lot with a mixed-use project including approximately 115 units of senior housing, 3,446 square feet of ground-floor commercial space, and 65 parking spaces.
Applicant/Owner:	AMG and Associates, LLC
Contact Person/Phone Number:	Alexis Gevorgian/(818) 380-2600 ext. 14
Case File Numbers:	CMDV10-312, ER10-0001
Planning Permits/Approvals Required:	Major Conditional Use Permits, Design Review, Variances, Parcel Map Waiver; certification of EIR
General Plan:	Neighborhood Center Mixed Use
Applicable Zoning:	C-30 District Thoroughfare Commercial Zone; C-31 Special Retail Commercial Zone; S-4 Design Review Combining Zone (Current Zoning is CN-3 Neighborhood Commercial Zone 3 and CN-2 Neighborhood Commercial Zone 2)
Environmental Determination:	An Initial Study and Draft Focused Environmental Impact Report was prepared and circulated; a Response to Comments Document/Final EIR was published on July 5, 2013
Historic Status:	N/A (There are no buildings located on the project site)
Service Delivery District:	4
City Council District:	4
Date Filed:	March 5, 2010
Staff Recommendation:	Certify EIR and approve project
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact the case planner, Lynn Warner , at (510) 238-6983 or by e-mail at lwarn@oaklandnet.com .

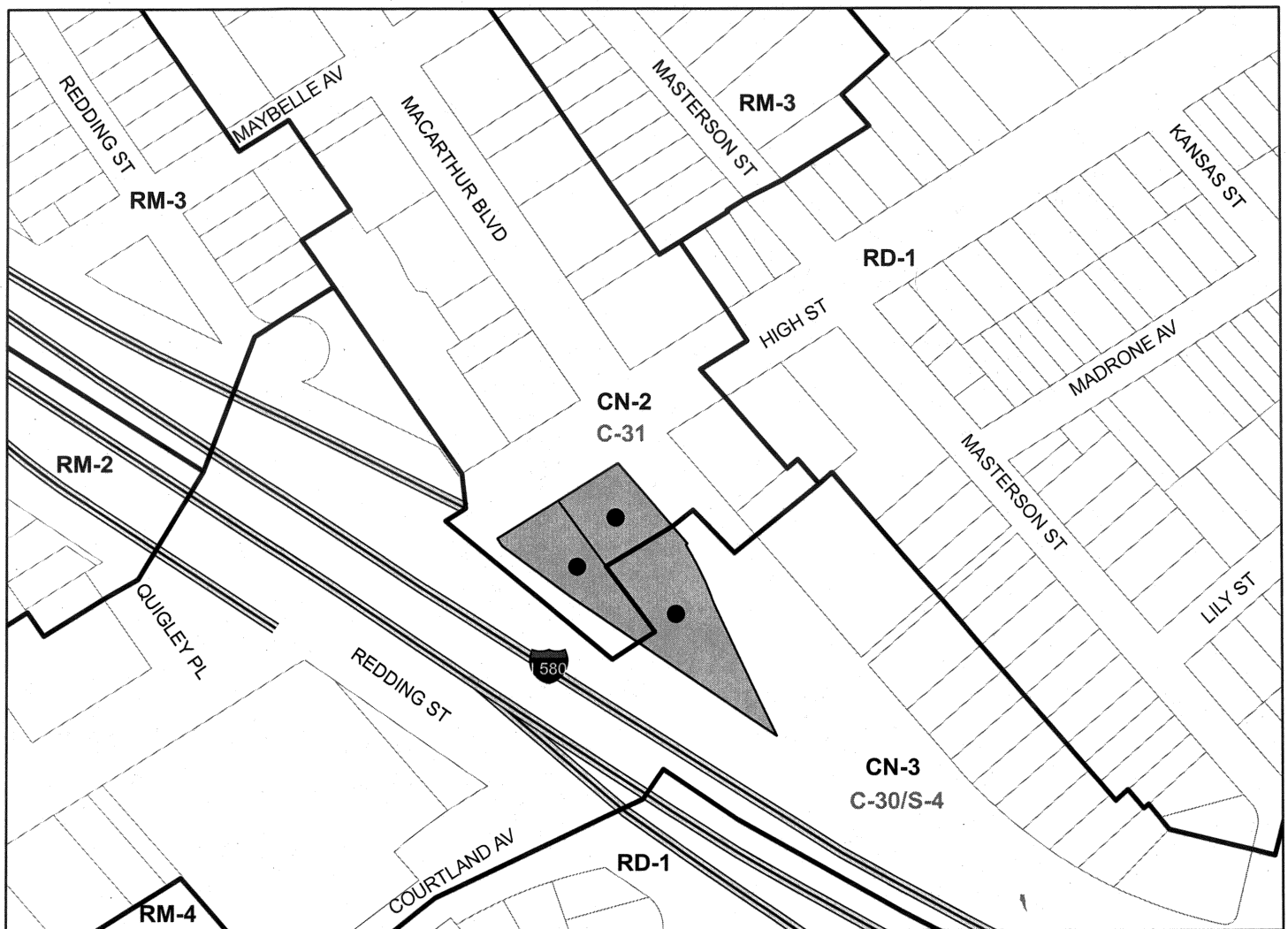
SUMMARY

The applicant proposes to redevelop the currently vacant property bounded by High Street, MacArthur Boulevard, and Interstate 580 with a five-story mixed-use project including 115 units of senior housing, 3,446 square feet of ground-floor commercial space, and 65 parking spaces (Project).

The Project is subject to the environmental review requirements of the California Environmental Quality Act (CEQA). A Focused Draft Environmental Impact Report (DEIR) was prepared that analyzed the potential environmental impacts of the Project, which were not screened out for further review by the Initial Study. The DEIR was reviewed by the Planning Commission at a public hearing on December 5, 2012. A Response to Comments/Final EIR (FEIR) was published on/before July 5, 2013 that addresses comments received on the DEIR. Although no mitigation measures are required for the Project, Standard Conditions of Approval are imposed.

The purpose of today's hearing is to hear comments from the public and the Planning Commission concerning the EIR and the proposed Project. Staff recommends the Planning Commission certify the EIR and approve the Project, subject to the attached findings and conditions of approval.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMDV10-312, ER10-001
Applicant: AMG & Associates
Address: 4311-4317 MacArthur Boulevard
Zone: C-31, C-30/S-4 (currently CN-2, CN-3)

SITE DESCRIPTION

The Project site is approximately 0.93 acres in size and is currently vacant except for a billboard. The triangular shaped site includes three parcels and is bounded by High Street to the north, Interstate 580 to the west, and MacArthur Boulevard to the southeast.

The site is surrounded by a combination of commercial and residential uses. Buildings in the immediate vicinity range from one to three stories in height.

PROJECT DESCRIPTION

The Project involves the redevelopment of the site with a five-story mixed-use Project including 115 units senior housing, 3,446 square feet of ground-floor commercial space, and 65 parking spaces. The commercial space would be located in two separate areas, a 2,959 square foot space located on MacArthur Boulevard at the corner of High Street, and a 487 square foot kiosk fronting on High Street. Four stories of one-bedroom senior units will be located on a podium over the ground-floor which will include parking and commercial space. The height of the building varies from 47-60 feet.

The entrance to the parking garage would be located mid-block on MacArthur Boulevard, and the loading area would be located off of High Street. The parking garage would be divided by a security gate into two areas, one accessible only to residents and the other accessible to visitors, patrons of the commercial space, and residents.

The Project has been designed to appear as two separate structures surrounding an interior courtyard for the residents. The courtyard is 7,928 sq. ft. in size and includes landscaping, a water feature, seating areas, and a large, open, multi-use space. In addition, open space is provided through the public area on the High Street frontage of the Project that includes a seating area, and via 10,664 sq. ft. of private patio and balcony space. The exterior building materials include a combination of smooth finish stucco and fiber cement lap siding, with a slate base at the entries, metal balconies and railings, wood or steel canopies, aluminum windows, and decorative metal grills to screen the parking garage. The perimeter of the building and the courtyard will be landscaped. Each building will be painted in a variety of earth tones, with a different color scheme for each of the buildings. An as yet undesigned art feature will be provided in front of the High Street elevation of the building, subject to review and approval by the Zoning Manager or designee. Design review of this art feature is included as a requirement in Condition of Approval 16. The Project plans are attached to this report (see Attachment A).

BACKGROUND

A similar project was previously approved on February 20, 2008 by the Planning Commission, but was appealed to the City Council. Subsequently, the applicant withdrew his application, which invalidated all land use approvals rendering the appeal moot.

In March 2010, the applicant submitted a new application for planning-related approvals. The new application includes a slightly revised Project description with an increase in the amount of ground-floor commercial space from 3,124 to 3,446 square feet, and an increase in the number of parking spaces provided from 64 to 65. This new application also includes minor revisions to the ground floor plan related to parking and bicycle parking, a change in the site plan to remove the optional shuttle turn-out on High Street, and more detail provided on the building elevations. The Project elevations are essentially the same as the project that was previously approved.

At the June 15, 2011 scoping meeting for the DEIR, a few design concerns were raised by the Planning Commission. Because the previously approved project had already been subjected to rigorous design review, staff consulted with members of the DRC to see whether there were any outstanding concerns related to the design of the Project. There were no concerns that warranted the need for the Project design to come before the DRC again. Therefore, staff determined that the Project should be brought to the full Planning Commission for consideration of the Project approvals after the Final EIR had been prepared.

A community meeting was held for the proposed Project on October 24, 2011. The primary concerns raised were the status of the Project and whether remediation of the site contamination had begun.

GENERAL PLAN DESIGNATION

The site is designated Neighborhood Center Mixed Use in the Oakland General Plan Land Use and Transportation Element (LUTE). The General Plan states that "The Neighborhood Center Mixed Use classification is intended to identify, create, maintain, and enhance mixed use neighborhood commercial centers..." The General Plan also states that "Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground-floor commercial." (LUTE, p. 149). The proposed Project is a mixed-use project that includes both residential and ground-floor commercial uses. Therefore, the proposed Project uses are consistent with the General Plan classification for the site. The maximum allowable residential General Plan density without any density bonus is 125 units per gross acre or 166.67 units per net acre. The maximum residential density for the 0.93 acre site is 155 units. Thus, the proposed 115-unit Project is well within the allowable General Plan density. The maximum nonresidential floor area ratio (FAR) for the site is 4.0. Thus the proposed 3,446 square feet of ground-floor commercial space is well within the allowable FAR.

In addition, the Project is consistent with several LUTE policies including: *Objective N.3* Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community; *Policy N3.1* Facilitating Housing Construction; *Policy N3.2* Encouraging Infill Development; and *Policy N3.9* Orienting Residential Development.

The Project site is identified as an Opportunity Site in the Housing Element of the General Plan and in the Housing Element EIR. Development of the Project site, at a level consistent with the proposed Project, was considered in the Housing Element EIR. The High and MacArthur Project DEIR relied upon and tiered off of the analysis included in the Housing Element EIR and the Land Use and Transportation (LUTE) EIR. Both the Housing Element EIR, LUTE EIR and the High and MacArthur Project DEIR are available for review or distribution to interested parties at no charge at the Department of Planning, Building, and Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m., and the Housing Element and Project EIR are also on the City's website at the "Completed Environmental Review" page (paste this link into your browser): <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009158>.

ZONING CLASSIFICATION

The City updated its Zoning Regulations on April 14, 2011. The updated Zoning Regulations do **not** apply to project applications that were deemed complete prior to that date, which includes the proposed Project. Therefore, the previous zoning regulations are applicable to the Project instead of

the current zoning regulations. The current zoning regulations are shown in the table below for informational, comparison purposes only.

The site is split into two different zoning districts and includes a combining zone. The northwestern portion of the site is located in the C-31 Special Retail Commercial Zone (the C-31 zoning changed to CN-2 Neighborhood Commercial Zone 2). The southeastern portion of the site is located in the C-30 District Thoroughfare Commercial Zone with an S-4 Design Review Combining Zone (the C-30 zoning changed to CN-3 Neighborhood Commercial Zone 3).

The proposed residential and commercial uses are allowed under the C-30 and C-31 zoning classifications for the site. The maximum residential density for these zoning classifications is set forth in the R-70 High Density Residential Zone regulations, which allow 1 unit per 450 sq. ft. of lot area. That equates to a maximum allowable density for the site of 90 units. However, Section 17.106.060 of the Planning Code allows the density for senior housing to exceed the zoning density by up to 75% with a Conditional Use Permit (CUP). Therefore, the proposed 115-unit Project would exceed the maximum allowable zoning density by 28%, which is well within the possible range allowed with a CUP.

In addition, a CUP would be required to reduce the parking requirement. Under Section 17.116.110 of the Planning Code, a reduction in the number of prescribed parking spaces of up to 75 % may be granted for senior citizen housing with a CUP. This provision would allow for a reduction in the required number of parking spaces from 121 (115 residential spaces and 6 commercial spaces) to 65 spaces (59 residential spaces and 6 commercial spaces). Therefore, the proposed number of residential spaces would be a reduction of approximately 57%, which is well within the possible range allowed with a CUP. Furthermore, a CUP would also be required to allowed ground-level parking and loading areas in the C-31 zone.

The Project will also require a Minor Variance to exceed the height limit in the C-30 zone, which is 40 feet, and in the C-31 zone, which is 35 feet. Section 17.108.010 also restricts building height adjacent to the R-50 zone to 30 feet with an allowed increase of 1 foot height for every additional 1 foot of setback. The height of the proposed Project varies between 47 and 60 feet and thus requires another Minor Variance.

Zoning Regulation Comparison Table

Criteria	Applicable Requirement C-30 & C-31	Current Requirement CN-2 & CN-3 (For Information)	Proposed Project	Comment
Density	1 unit per 450 sq. ft. of lot area = 90 units	CN-2: 1 unit per 450 sq. ft. of lot area = 90 units CN-3: 1 unit per 375 sq. ft. of lot area = 108 units	115 units	Exceeds the applicable requirements. Major CUP required to exceed maximum density for senior housing under section 17.106.060.
Yard – Front (High St.)	0'	Minimum 0' Maximum 10' OR Maximum front yard requirement is 75% of street frontage	0' – 16' 4"	Meets the applicable requirements.
Yard – Street Side Lot Line (MacArthur Blvd.)	0'	0' OR Maximum front yard requirement is 50% of street frontage	0' - 8'	
Yard – Interior Lot Line	10'	0'	10'	
Yard – Rear	15'	10' – 15'	40'	
Yard – Courts	15'	18' – 50'	43'	
Height – General	40' (C-30) 35' (C-31)	45' (CN-3) 45' (CN-2)	Varies between 47' & 60'. 54' average.	Does not meet the applicable requirements. Minor Variance is required.
Height – Adjacent to R-50 Zone	30' with allowed increase of 1' height for every additional 1' of setback	N/A	Varies between 47' & 60'. 54' average.	Does not meet the applicable requirements. Minor Variance is required.
Open Space	150 sq.ft./unit = 17,250 sq.ft.	150 sq. ft. /unit = 17,250 sq. ft.	17,461 sq.ft.	Exceeds the applicable requirements.
Auto Parking	1 space / unit = 115 spaces 1 space / 600 sq.ft. retail/ commercial = 6 spaces	Not specified, however parking access must not be from a primary street	65 automobile spaces	Seeks Major Conditional Use Permit under Section 17.116.110 to reduce parking requirement and to provide ground- level parking.
Bicycle Parking (long term)	1 space/10 units = 12 spaces Minimum retail/commercial = 2 spaces		14 long-term bicycle spaces	Meets the applicable requirements.
Bicycle Parking (short term)	1 space/20 units = 6 spaces Minimum retail/commercial = 2 spaces		8 short-term bicycle spaces	
Loading	50,000 – 149,999 sq.ft. residential building = 1 berth	Not specified, however access must be on ground floor with the entrance from a non- primary street	1 berth	Seeks Major Conditional Use Permit to provide ground-level loading.

In addition, the S-4 Design Review Combining Zone requires Design Review approval, and a Parcel Map Waiver is required in order to merge the existing parcels on the Project site. The Project sponsor will apply for a parcel map waiver to merge the parcels prior to issuance of a building permit for the Project. This is required in Condition of Approval 15.

Major Conditional Use Permits

Major Conditional Use Permits are required to exceed the maximum allowable density, to reduce the parking requirement, and to provide ground-level parking and loading. The proposed increase in allowable density is warranted due to the provision of senior housing which is a benefit for the surrounding community, the City of Oakland and the region. In addition, some portion of the units will be provided as affordable housing. The planning and environmental analysis and conclusions are the same regardless of the breakdown between affordable and market rate housing units. In other words, it does not matter if the Project were to be 100% market rate or 100% affordable, as the planning and CEQA findings are the same – and can be made -- for both.

The proposed reduction in the parking requirement is warranted due to the provision of senior housing, which generates a much lower parking demand than typical multi-family residential projects. Furthermore, the site is well served by eight AC Transit routes that stop at the corner of High Street and MacArthur Boulevard so alternative means of transportation are available to the residents.

The provision of ground-level parking and loading is justified because the parking will be enclosed within the building and screened, and the loading area will be located at the edge of the building.

Minor Variances

Minor variances are required in order to exceed the general height limit and the height limit adjacent to the R-50 Medium Density Residential Zone. The 47 – 60 foot height of the proposed Project would exceed the 35 – 40 foot allowable height limit. Because the Project provides senior housing and a Conditional Use Permit is required in order to exceed the allowable density, it is logical to assume that granting such a density bonus entails waiving the zoning regulation related to height in order to accommodate the additional units. In addition, the configuration of the lot, the need to provide open space, and the proximity to Interstate 580 make it difficult to design the Project to be consistent with the height limits. The intent of the 30 foot height limit adjacent to the R-50 zone is to buffer adjacent lower-density residential uses; however the site is separated from the R-50 zone by Interstate 580 so there are no directly adjacent residential uses.

Design Review

As previously mentioned, the design of the Project was extensively reviewed and revised as part of the approval process for the previous Project proposed for the site. The previous project design was considered at two DRC meetings, two community meetings, and three Planning Commission meetings, and was also discussed with individual DRC members on several occasions.

Staff believes that the proposed Project is attractively designed with high quality materials and that it would be a substantial improvement to the surrounding Laurel District neighborhood. It would replace an existing vacant blighted lot that contains a billboard and weeds with a mixed-use building containing active residential and commercial uses. The design of the Project is appropriate for its prominent location at the corner of High Street and MacArthur Boulevard, and adjacent to Interstate 580.

With regard to views of the site, visual building form, and visual quality, although larger in scale than the majority of existing development in the area, the design of the proposed building will be compatible with the surrounding neighborhood pursuant to the design review findings.

ENVIRONMENTAL REVIEW

Scope

The Project is subject to the environmental review requirements of CEQA. See separate CEQA findings for a detailed discussion of what follows.

A Notice of Preparation (NOP) for the DEIR was published on May 18, 2011. The 30-day public comment period on the NOP ended on June 16, 2011. A Scoping Meeting for the DEIR was held before the Planning Commission on June 15, 2011.

An Initial Study was prepared, and circulated with the NOP, that screened out certain potential environmental impacts from further study, including: agricultural resources, biological resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems. The Initial Study is included as Appendix A to the DEIR.

The following topics were analyzed in detail in the DEIR to address the remaining potential environmental impacts of the Project:

- A. Aesthetic Resources
- B. Air Quality and Greenhouse Gases
- C. Hazards and Hazardous Materials
- D. Transportation and Circulation
- E. Noise and Vibration

As previously discussed and as provided for in CEQA, the High and MacArthur Project DEIR also relied upon and tiered off the analysis included in the 2010 certified Housing Element EIR and the LUTE EIR. As a separate and independent basis from the other CEQA findings, the Project qualifies for CEQA streamlining pursuant to Public Resources Code section 21083.3 and Guidelines section 15183 (Projects consistent with Community Plans, General Plans and Zoning) and/or Public Resources Code sections 21094.5 and 21094.5.5 and Guidelines section 15183.3 (Streamlining For Infill Development), for the reasons detailed in the EIR and the attached CEQA findings.

The Initial Study and DEIR address all environmental topics identified in the City of Oakland's CEQA Thresholds of Significance and at a level of detail warranted by each topic.

Publication and Distribution of the DEIR

The DEIR was made available for a 45-day public review period from October 26, 2012 to December 10, 2012. The Notice of Availability for the DEIR was mailed to property owners within 300 feet of the Project site, distributed to state and local agencies, posted on the Project site, and mailed to interested parties. Copies of the DEIR were also distributed to City officials, including the Planning Commission, and were made available at the office of the Department of Planning and Building and on the City's website at the "Current Environmental Review" page. A public hearing on the DEIR was held by the Planning Commission on December 5, 2012.

Impacts Identified in the DEIR

The Project would result in several potentially significant impacts. However, all of the impacts identified in the DEIR would be reduced to less-than-significant levels with implementation of the proposed Standard Conditions of Approval (SCA) (see the summary table in Attachment B). The SCA are the functional equivalent of mitigation measures and are legally enforceable in the same manner as mitigation measures. There are no mitigation measures required for the Project, nor are there any significant and unavoidable impacts of the Project.

Key Environmental Issues

Below is a summary of the key environmental issues related to the Project. Note that the list below only contains the key items related to the environmental effects of the Project; for a complete discussion of each environmental topic see the attached CEQA Findings and the EIR.

Throughout the environmental review process, several comments have been received from the public regarding the potential impacts of the Project on transportation and circulation. In particular, concerns were raised about possible traffic problems at the High Street and MacArthur Boulevard intersection. The EIR found that the Project would not result in any significant traffic impact at this intersection. Other concerns were raised regarding potential circulation problems related to parking and site access. The EIR found that the Project meets the parking requirements, and that with implementation of Project-specific Conditions of Approval it would not result in any significant impacts related to site access.

The EIR included the following recommended measures to include as Project-specific Conditions of Approval to improve traffic operations of the Project related to shuttle service, the loading zone, and the garage entry. These are not required to mitigate any Project impacts:

Recommendation TRANS-1: In consultation with City of Oakland staff, consider the provision of shuttle service as a strategy to be included in the Transportation Demand Management (TDM) plan required by SCA TRANS-1. If considered feasible, implement the City approved shuttle service.

Sheet A.2 of the Project plans show a loading area in the parking garage that can accommodate shuttle service if it is provided.

Recommendation TRANS-2: Limit entry into the loading zone to a right turn in only and limit exit from the loading zone to a right turn out only (excluding any maneuvering required to back in/out of the loading zone) and prohibit deliveries during peak commute periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) and employ the use of flaggers as necessary to ensure safe maneuvering into the loading zone.

Recommendation TRANS-3: Limit entry into the garage to a right turn in only and limit exits from the garage to a right turn out only.

In addition, some concerns have been raised about impacts of the Project on hazards and hazardous materials. As discussed in the EIR, the site has been included on the Cortese List because of hazardous materials contamination of the soil and groundwater due to previous uses on the site. However, preparation and implementation of a hazardous materials business plan (IS SCA HAZ-1); hazards best management practices (EIR SCA HAZ-1); site review by the Fire Services Division (EIR SCA HAZ-2); Phase I and/or Phase II reports and implementation of any recommendations from such (EIR SCA HAZ-3); environmental site assessment reports remediation (EIR SCA HAZ-4); best management practices for soil and groundwater hazards (EIR SCA HAZ-5); and radon or vapor intrusion from soil or groundwater sources (EIR SCA HAZ-6) would result in less than significant impacts. Moreover, compliance with other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts. Additionally, as a separate and independent basis, any existing pollutants on/near the Project site are not considered to be CEQA impacts caused by the Project; indeed, the Project will remediate the existing on-site contamination.

Concerns were also expressed regarding potential impacts of the Project on air quality and greenhouse gases. . With implementation of these SCAs, the Project would not violate any air quality standard, contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, or substantially increase diesel emissions. Moreover, as a separate and independent basis, any air contaminants generated from the nearby Freeway are not considered to be CEQA impacts caused by the Project.

The Project would not result in a significant impact (either on a project or cumulative basis) on the scenic highway designation of the MacArthur Freeway, in part, because the character of existing views would remain relatively unchanged. Specifically, the landscaping, distant views of the hills, and views of the commercial and residential palette would remain essentially unchanged. In addition, the removal of the existing billboard and blighted conditions on the site would be an aesthetic benefit provided by the Project.

Project Alternatives

Chapter 5 of the DEIR included three alternatives to the proposed Project that provide a reasonable range of potentially feasible alternatives that are capable of reducing or eliminating environmental impacts. The three CEQA Project alternatives to the proposed Project include:

The No Project/No Build Alternative – CEQA requires a “No Project” alternative to be considered in the EIR. This alternative assumes that no development would occur on the site and that existing conditions would remain. None of the impacts associated with the Project would occur under this alternative; the existing billboard would remain and hazardous materials may not be cleaned-up.

The Reduced Development/Mitigated Alternative – This alternative assumes that the Project site would be developed with 29 less residential units and one less building floor, for a total of 86 senior housing units and 3,446 square feet of ground-floor commercial space within a four-story building. This alternative would result in impacts similar to the Project for all the topics areas identified, but the effects would be incrementally less.

The Commercial Alternative – This alternative assumes the Project site is developed with a single-story

6,000 square foot commercial building. It is assumed that the building is occupied by multiple tenants and that the required parking would be provided in a surface parking lot. Implementation of this alternative would result in impacts similar to the Project, although the effects would be incrementally less, except for Transportation and Traffic impacts.

The Environmentally Superior Alternative is the No Project/No Build Alternative because it would result in the least environmental impacts. Under CEQA, if the No Project is identified as the environmentally superior alternative, the EIR also must identify an environmentally superior alternative among the other Project development alternatives. Therefore, the environmentally superior alternative would be the Reduced Development/Mitigated Alternative because it is the development alternative that would result in the fewest environmental impacts.

Because there are no significant unavoidable impacts, alternatives need not be rejected as infeasible. Nevertheless, in the interest of being conservative and providing information to the public and decision-makers, the Project alternatives are rejected as infeasible because, in part, they either (a) would not achieve the objectives sought by the Project; (b) would not be economically feasible, and/or (c) would not promote or achieve many of the goals, objectives, and actions of the LUTE and Housing Element.

Publication and Distribution of the FEIR

The Final EIR/Response to Comment document (FEIR) includes responses to the comments received on the DEIR, changes to the DEIR, and additional information. The FEIR was published on/before July 5, 2013. The Notice of Availability (NOA) for the FEIR was distributed on Friday, June 28, 2013, by being mailed to property owners within 300 feet of the Project site, distributed to state and local agencies, posted on the Project site, and mailed to interested parties. Copies of the FEIR were also distributed to City officials, including the Planning Commission, and were made available at the office of the Department of Planning and Building and on the City's website at the "Current Environmental Review" page:

<http://www2oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>.

CONCLUSION

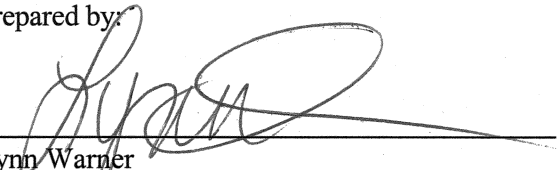
In summary, the proposed Project, which is consistent with both the applicable zoning and General Plan, would redevelop a vacant blighted site with a mixed-use Project providing a combination of senior housing and commercial space in the Laurel District. The Project meets the General Plan goals of providing new housing units and infill development on underused or vacant parcels and the site is identified as a Housing Opportunity site in the City's Housing Element. The Project would enhance the area and be an addition to the surrounding neighborhood. The Conditional Use Permits and Variances are warranted and are not expected to create adverse impacts. The site is well served by transit and its development will result in the removal of an existing billboard and clean-up of existing hazardous material contamination. A site specific Health Risk Assessment concludes that there will be less than significant impacts associated with the potential exposure of Project residents (who are considered sensitive receptors) to any air contaminants generated from the nearby Freeway.

STAFF RECOMMENDATION

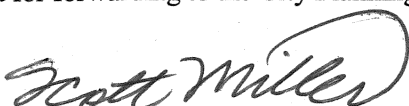
Staff recommends that the Planning Commission take public testimony, close the public hearing, and:

1. Adopt the CEQA findings for Project, which include certification of the EIR and rejection of alternatives as infeasible in Attachment C;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in Attachment B; and
3. Approve the Major Conditional Use Permits, Minor Variances, and Design Review for the Project subject to the Conditions of Approval and SCA/MMRP, based on the attached findings.

Prepared by:


Lynn Warner
Planner III

Approved for forwarding to the City Planning Commission by:


SCOTT MILLER
ZONING MANAGER


RACHEL FLYNN, DIRECTOR
DEPARTMENT OF PLANNING AND BUILDING

ATTACHMENTS:

- A. Project Plans
- B. Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP)
- C. CEQA Findings
- D. AMG Financial Feasibility of 86-unit Alternative

FINDINGS FOR APPROVAL

The proposed Project meets the required findings under Planning Code Section 17.134.050 (Conditional Use Permit criteria), Section 17.136.070A (Residential Design Review criteria), Section 17.148.050 (Minor Variance Criteria), Section 17.48.100 (Conditional Use Permit criteria in the C-31 zone), Section 17.116.110 (Exemptions to the Parking Requirements), and Section 17.106.060 (Conditional Use Permit criteria for increased density for senior housing). Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. In addition, findings have been developed pursuant to California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. Title 14, section 15000 et seq.). . The basis to approve the Project and related permits are not limited to the findings contained herein, but also includes the information contained in the July 17, 2013 Staff Report to the Planning Commission, the conditions of approval and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP), the EIR prepared for the Project, and the entire administrative record, hereby incorporated by reference.

Section 17.134.050 Conditional Use Permit criteria

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

The Project applicant is requesting a Major Conditional Use Permit (CUP) for an increase in density for affordable senior housing on a vacant property. There are no abutting properties that will be adversely affected by the proposed Project, nor will the proposed Project negatively affect the neighborhood character. On the contrary, this area of MacArthur Boulevard has no distinct character, architectural style, or scale. The structures in the immediate vicinity include 1-2 story utilitarian commercial buildings, 2-3 story office buildings, and small scale retail/storage. The Project's prominent design will emphasize the important corner of MacArthur Boulevard and High Street. Furthermore, the landscape improvements and public art at the corner will enhance the streetscape and promote the character of the neighborhood. The EIR concluded that the Project will not have any significant impacts upon the surrounding area. Specifically, the EIR concluded the Project would not result in a significant impact (either on a Project or cumulative basis) on the scenic highway designation of the MacArthur Freeway, in part, because the character of existing views would remain relatively unchanged -- the landscaping, distant views of the hills, and views of the commercial and residential palette would remain essentially unchanged. In addition, the removal of the existing billboard and blighted conditions on the site would be an aesthetic benefit provided by the Project.

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

The Project will provide a combination of residential and commercial uses in the Laurel District. The Project was designed to promote residential activities in the neighborhood and to emphasize the

important corner of MacArthur Boulevard and High Street. The site is well situated for senior housing with respect to transit ridership, as it is extensively served by AC Transit. The building design is attractive and compatible with the surrounding neighborhood.

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

The General Plan LUTE encourages several policies that promote the construction of housing on infill sites and underutilized properties in all areas of the city. The Project entails the construction of new senior housing in areas within walking distance of services and shops and that are well served by mass transportation. The Project will essentially buffer the existing smaller single-family neighborhood to the east from the freeway. In addition, the Project will support basic community functions by providing new residents who will enliven this transitional area. Provision of senior housing is also an essential service to the community, the City, and the region.

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

The proposed Project conforms to all applicable design review criteria outlined in Section 17.136.070A, as detailed below.

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

The proposed Project conforms in all significant respects with the "Neighborhood Center Mixed Use" General Plan land use designation. The Project will support the objectives and policies of the LUTE including: encouraging the construction, conservation, and enhancement of housing resources (Objective N3); facilitating housing construction (Policy N3.1); encouraging infill housing (Policy N3.2); and orienting residential development (Policy N3.9). The Project is located on the MacArthur Boulevard corridor in the Laurel District. This corridor is identified as a "grow and change" area in the General Plan. Such areas are where the General Plan seeks to encourage further growth and development, often at higher densities than currently exist as the plan attempts to focus the bulk of residential development to our corridors, downtown, and other special areas such as Jack London Square.

Section 17.136.070A Residential Facilities Design Review criteria

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

As stated previously, the proposed Project is located in a transitional neighborhood with many low rise commercial activities, small utilitarian buildings, and vacant lots. There is no specific architectural character or massing except in the lower scale neighborhood to the northwest. The building would be taller and larger than surrounding structures although it has been articulated with varying roof heights, and designed to appear as separate buildings in order to reduce the apparent bulk and mass of the building. While it will be larger than most buildings in the surrounding area staff notes that the General Plan calls for this area to "grow and change." It identifies the entire stretch of MacArthur Boulevard from 35th Avenue to the freeway underpass as an underdeveloped

area that could accommodate an increase in density as the plan seeks to focus development along the city's existing corridors. While respecting the existing context in terms of scale is important in much of Oakland, the General Plan identifies certain areas where the existing context is actually viewed as something to exceed and expand past and this is one of those areas.

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

Currently, the neighborhood is a mix of commercial uses and vacant lots. The proposed Project would enhance the neighborhood by replacing a blighted vacant lot with active residential and commercial uses. This would encourage further beneficial change in the neighborhood, and would promote more pedestrian activities. It would bring new residents to the Laurel District who would help contribute to the economic health of the businesses in the area as customers, and would potentially stimulate further revitalization on other nearby vacant lots which are a blight to the area.

3. That the proposed design will be sensitive to the topography and landscape;

The proposed Project site is flat and is vacant except for a billboard. The site contains no notable landscaping. Therefore, the Project will have no affect on the existing topography or landscape.

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

See response #3.

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

The proposed Project is consistent with the General Plan land use designation for the site, with Conditional Use Permit, and Variance findings, and with the Design Review criteria as discussed in more detail throughout the report and these findings.

Section 17.148.050A Minor Variances Findings

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

Overall height limits: The maximum height is 35 feet in the C-31 zone and 40 feet in the C-30 zone. The height of the proposed Project varies between 47 and 60 feet (including parapets and other architectural details meant to add attractiveness to the building or screen rooftop features) above grade. Most of the building height will average 55 feet and it lowers at the corner of High and Macarthur to approximately 47 feet.

One factor concerning this request for a Minor Variance is the shape of the lot, which tapers narrowly towards the rear and thus renders that piece of the lot as unfeasible to build on. This

impacts the potential footprint of the Project and tends to force the building upwards. Another factor is the need for open space. This is limited to the courtyard and the proposed location in the center of the site surrounded by the buildings is the only reasonable place to put it in order to shield it from the noise of the adjacent freeway. Moreover, the increased density for senior housing authorized by the CUP also results in the need for additional height.

Thus, granting of the minor height variance would result in an effective design solution improving livability, appearance and operational efficiency.

30 foot height limit adjacent to the R-50 Zone: Section 17.108.090 states that structures in a commercial zone whose side lot line abuts the R-50 zone be set back 10 feet and limited in height to 30 feet. This height can then be increased 1 foot for every additional foot of setback provided (up to the maximum limit of the height). The Project is set back 10 feet from the side lot line but exceeds the 30 foot height limit. The intent of the height limit was to buffer lower density zoning districts such as the R-50 and below when they abutted higher density zones as well as commercial areas. This would help to preserve solar access for those residential units as well as height context. However, in this case there are no immediately adjacent residential units but Interstate 580 itself is actually zoned R-50. Therefore, staff believes that allowing a relaxation of this height limit is justifiable due to this unique physical circumstance. In addition, granting this variance would result in an effective design solution improving livability, appearance and operational efficiency.

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

Overall height limits: As stated above, granting the Minor Variance for the overall height is reasonable given the site constraints and the need to provide open space that is both attractive and useful to the residents. This need requires the building to wrap around the open space, shielding it from the vehicular noise coming off the freeway. This combined with the roughly triangular shape of the property forces the building upwards as much of the lower (southern) portion of the lot is not practical for development. Few if any lots in the district are impacted in these ways; they are either not abutting the freeway, which adds constraints as to where needed components of the development can be placed, or they are generally more regularly shaped, rectangular lots. Similar variances have been granted for other similarly zoned properties/projects. Moreover, the granting of the variance results in an effective design solution, consistent with the basic intent of the zoning regulations.

30 foot height limit adjacent to the R-50 Zone: This is a unique physical situation as the R-50 zone bordering the western edge of the freeway covers the freeway only. It is unusual to have a freeway zoned something different than the zoning on either side of it (often if the freeway splits the zoning the boundary line will run down the middle of the roadbed) and due to this the decreased height and increased setback do not make sense. The purpose of these restrictions is to transition the height of buildings in high density districts adjacent to low density districts to avoid them towering over the lower density houses. In this case, there are no adjacent houses due to the freeway. Moreover, the granting of the variance results in an effective design solution, consistent with the basic intent of the zoning regulations

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

Overall height limits: There are no abutting properties and the increased building height is unlikely to affect the livability of surrounding properties. The Project would provide 115 units of senior housing which should have far fewer impacts on traffic or noise than 115 regular apartments would. The Project would be consistent with adopted plans and development policy in that it would redevelop a vacant blighted parcel through in-fill development; encourage development along an important transit corridor; and create some affordable senior housing which is a critical need for both the City of Oakland and the region at large. Thus granting the height variance will not impact the livability of adjacent properties or be detrimental to the public welfare.

30 foot height limit adjacent to the R-50 Zone: This is a unique situation as the R-50 zone bordering the western edge of the freeway covers the freeway only. It is unusual to have a freeway zoned something different than the zoning on either side of it (often if the freeway splits the zoning the boundary line will run down the middle of the roadbed) and due to this the reduced height and increased setback do not make sense. The purpose of these restrictions is to transition the height of buildings in high density districts adjacent to low density districts to avoid them towering over the lower density houses. In this case, there are no adjacent houses due to the freeway. Thus granting the height variance will not impact the livability of adjacent properties or be detrimental to the public welfare.

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

The Project would meet the intent of the zoning regulations by creating appropriate development that will enhance and benefit the surrounding neighborhood, while meeting the goals of the General Plan. The Minor Variances can be supported and meet the general intent of the zoning regulations. The Project site has the constraints of being a roughly triangular lot that narrows as it parallels MacArthur Boulevard on one side and it has the Interstate 580 freeway adjacent to its opposite side. These factors reduce the portion of the lot that is buildable, and require a building design that can shelter areas such as open space from the noise and other unpleasant aspects of the freeway. These conditions are generally unique to this parcel and are not a common element in this neighborhood. It is particularly uncommon for properties to have both factors of unusual shape and a noisy freeway next to them. The City of Oakland concludes that granting the two Minor Variances would not be a grant of special privilege inconsistent with limitations on similarly zoned properties as this Project site has unique characteristics and circumstances. The City of Oakland has been willing to contemplate relaxation of the zoning standards before for other such projects that have unusually shaped lots or other factors to consider.

Section 17.48.100 Conditional Use Permit criteria for the C-31 Special Retail Commercial Zone:

A. That the proposal will not detract from the character desired for the area:

The intent of the C-31 zone regulations is to create a vigorous and active commercial district focused on pedestrian movement. Commercial and mixed use projects are encouraged in this district. The Project would replace a vacant blighted lot at the edge of this zoning district (indeed about half the site is outside the C-31 zoning district) and add ground floor retail and new residents to the neighborhood. These residents will be able to walk to or utilize transit to access businesses in the surrounding area. The ground floor commercial space is well articulated and will provide for a successful and active street frontage. The parking is well screened within the building and will not negatively impact the pedestrian corridor, and the loading area is located at the edge of the building on the less prominent street frontage.

B. That the proposal will not impair a generally continuous wall of building facades:

The proposed Project will replace a lot that is vacant except for a billboard and would generally create a continuous wall of building facades. The Project would cover the bulk of three properties (to be merged separately) and will require one driveway to provide parking. The Project will add commercial areas on the ground floor at the corner of High Street and MacArthur Boulevard as well as along High Street, and would contribute to the creation of a continuous wall of building facades which is not yet common in this zoning district.

C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage:

The site is currently vacant except for a billboard and does not contribute to a shopping frontage. The Project would add approximately 3,446 sq. ft. of commercial space to this vacant lot.

D. That the proposal will not interfere with the movement of people along an important pedestrian street:

This section of MacArthur Boulevard is not an important pedestrian section. The property is vacant and has nothing to attract pedestrians to it. The Project will provide new residents and ground-floor commercial space that will generate new pedestrian activity in the surrounding area.

E. That no driveway shall connect directly with the area's principal commercial street unless:**1. Vehicular access cannot reasonably be provided from a different street or other way:**

The vehicular access off of MacArthur Boulevard is workable as the portion of the street where the driveway is located has no significant commercial uses on it. This is different than if the driveway were located along a section of MacArthur Boulevard in the heart of the district where it would interrupt concentrated commercial uses. The only other option for vehicular access would be to have the driveway on High Street, but this is not the ideal location as the frontage is narrower.

2. Every reasonable effort has been made to share means of vehicular access with abutting properties:

There are no abutting properties to share vehicular access with.

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

The amount of parking is actually less than the 1:1 code requirement, being reduced by approximately 57 %. This is in keeping with section 17.116.110 of the Oakland Planning Code which conditionally permits a parking reduction up to 75% for senior housing when the required findings can be met (see below).

G. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council:

The Project would provide senior housing in close proximity to transit and services in the surrounding area. The provision of more senior housing is identified as an important city and regional goal, and the General Plan considers the corridors the ideal places for further, higher density developments due to their existing infrastructure and levels of existing commercial and residential development and their potential for further growth.

Section 17.106.060 Conditional Use Permit criteria for increased number of living units in senior housing

- A. That such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;**

Conditions guaranteeing such occupancy have been included in this permit.

- B. That the impact of the proposed facilities will be substantially equivalent to that produced by the kind of development otherwise allowed within the applicable zone, with consideration being given to the types and rentals of the living units, the probable number of residents therein, and the demand for public facilities and services generated.**

This facility is likely to have the same (or less) impacts as 90 units of housing for the general population that would be otherwise allowable within the applicable zone. Senior housing often will have lesser traffic impacts due to the lower rates of car ownership and driving. 90 market rate units would usually be of varying sizes in a typical apartment complex, likely leading to more people living in the units and therefore a higher population density. The number of daily vehicle trips generated by the 115 units of senior housing included in the Project would be approximately 67% less than 90 units of market rate housing. In addition, the site is served extensively by AC Transit. City services are unlikely to be affected in a significant way.

Section 17.116.110A Conditional Use Permit criteria for reduction in parking for senior housing

- 1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;**

Conditions guaranteeing such occupancy have been included in this permit.

- 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;**

This is not a dormitory or fraternity so this finding does not apply.

- 3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.**

This site is located on two major streets and is served by eight AC Transit bus lines. These lines provide 24-hour service. Service destinations include downtown Oakland, downtown San Francisco, downtown Emeryville, the Oakland International Airport, several BART stations, and the Amtrak station near the Oakland Coliseum. Bus stops are located in front of the building on both High and MacArthur as well as directly across the street on MacArthur. Such high levels of transit service ensure that the residents at this facility will have ample opportunities and options for mass transit

usage going to many convenient locations at all times of day. The reduced amount of parking is appropriate for the proposed Project and will not negatively impact the surrounding area.

CONDITIONS OF APPROVAL

1. Approved Use***Ongoing***

a) The Project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report dated July 17, 2013, and the plans dated 12/22/10, and 6/12/13 [the original plans were updated as necessary to reflect the revised Project], and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the Project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required 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: Approval of Major Conditional Use Permits, Minor Variances, and Design Review for the High & MacArthur Mixed-Use Project, under Oakland Municipal Code Section 17.134.050 (Conditional Use Permit criteria), Section 17.136.070A (Residential Design Review criteria), Section 17.148.050 (Minor Variance Criteria), Section 17.48.100 (Conditional Use Permit criteria in the C-31 zone), Section 17.116.110 (Exemptions to the Parking Requirements), and Section 17.106.060 (Conditional Use Permit criteria for increased density for senior housing).

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

Unless a different termination date is prescribed, this Approval shall expire three and a half calendar years from the City's final approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. 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 a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this Project may invalidate this Approval if the said extension period has also expired.

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

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

4. Conformance with other Requirements***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 of Approval 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 of Approval if it is found that there is violation of any of the Conditions of Approval or the provisions of the Planning Code or Municipal Code, or the Project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The Project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions of Approval

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions of Approval 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) To the maximum extent permitted by law, the applicant shall defend (with counsel 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 its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval***Ongoing***

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 if one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

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, 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. 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 components:

- a) Install additional standard City of Oakland streetlights as needed
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards at all entrances.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage as needed.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

13. 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.

14. 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 compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the Project applicant has met or intends to meet the conditions. 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.

15. Parcel Map Waiver***Prior to issuance of a demolition, grading or building permit***

The existing parcels on the Project site shall be merged into one parcel prior to the commencement of construction activities for the Project.

16. Art Feature***Prior to issuance of building permits***

The applicant shall submit plans for the design of the art feature at the corner of High Street and MacArthur Boulevard to the Planning and Zoning Division for review and approval.

17. Restrictions of Occupancy***Prior to the issuance of the occupancy permit for the first unit***

The applicant shall submit for review and approval by the Planning and Zoning Division proof of filing of a deed restriction with the Alameda County Recorder. Said restriction shall include the following: That the targeted units shall be occupied by not more than two individuals, at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age; and that such occupancy is guaranteed for a period of not less than fifty (50) years.

18. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)***Ongoing***

All Standard Conditions of Approval and Recommended Measures identified in the EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval, incorporated herein by reference, as conditions of approval of the Project, and are therefore not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any Standard Conditions of Approval and/or Recommended Measure identified in the EIR are inadvertently omitted from the SCAMMRP, they are hereby adopted and incorporated herein by reference, as if fully set forth in the SCAMMRP. 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 conditions of approval and Recommended Measures set forth herein at its sole cost and expense, unless otherwise expressly provided in a 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 standard condition and Recommended Measure. Overall monitoring and compliance with the standard conditions and Recommended 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.

APPROVED BY:

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

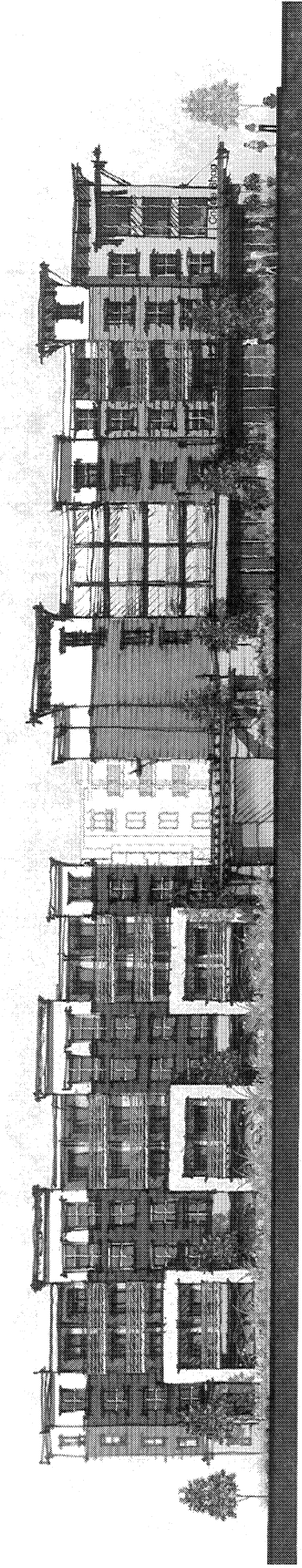
City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

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

Signature of Owner/Applicant: _____ (date)

Signature of Contractor: _____ (date)



High and MacArthur Senior Community

Oakland, California

SHEET INDEX

A.1	SITE PLAN / PROJECT SUMMARY	A.7	LIGHTING PLAN	A.13	EXISTING SITE PHOTOS
A.2	GARAGE PLAN	A.8	BUILDING SECTION / TYP. UNIT PLAN	A.14	EXISTING NEIGHBORS PHOTOS
A.3	2ND FLOOR PLAN	A.9	EXTERIOR ELEVATIONS	A.15	3-D RENDERING
A.4	3RD FLOOR PLAN	A.10	ROUTE 580 ELEVATION	A.16	INTERIOR ELEVATION
A.5	4TH FLOOR PLAN	A.11	MATERIALS AND DETAILS	LA.1	LANDSCAPE PLAN
A.6	ROOF PLAN	A.12	MATERIALS AND DETAILS	LA.2	SITE MATERIALS

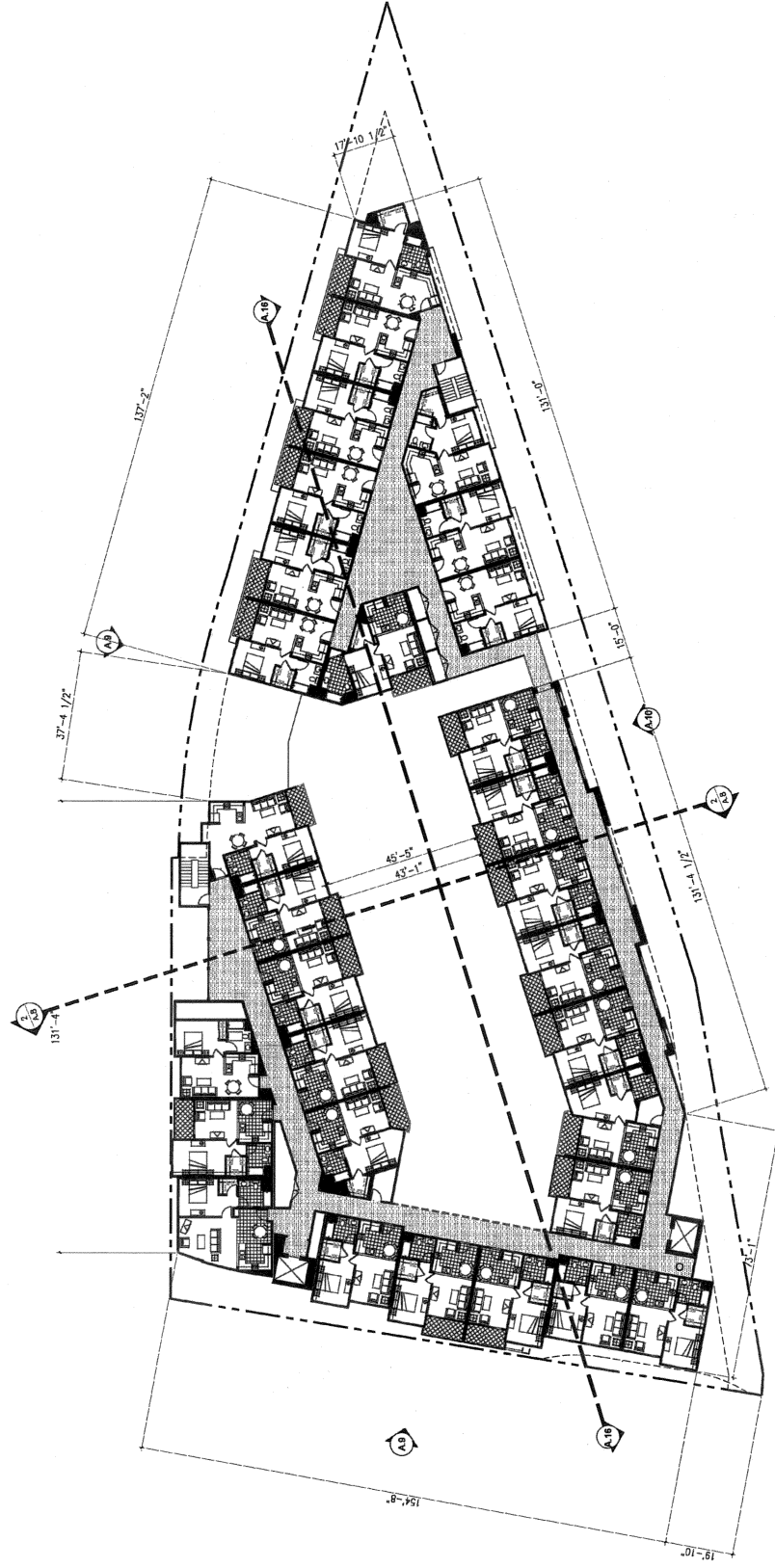
AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603



KTGY GROUP INC.
 Architecture • Planning
 1411 9th St, Suite 300 Santa Monica, CA 90401
 Main: 310.394.2523 Fax: 310.394.2525
 Irvine • Santa Monica • Oakland • Denver
 All Rights Reserved

Project # 20050854.00 02/04/08

A.O



SECOND FLOOR PLAN



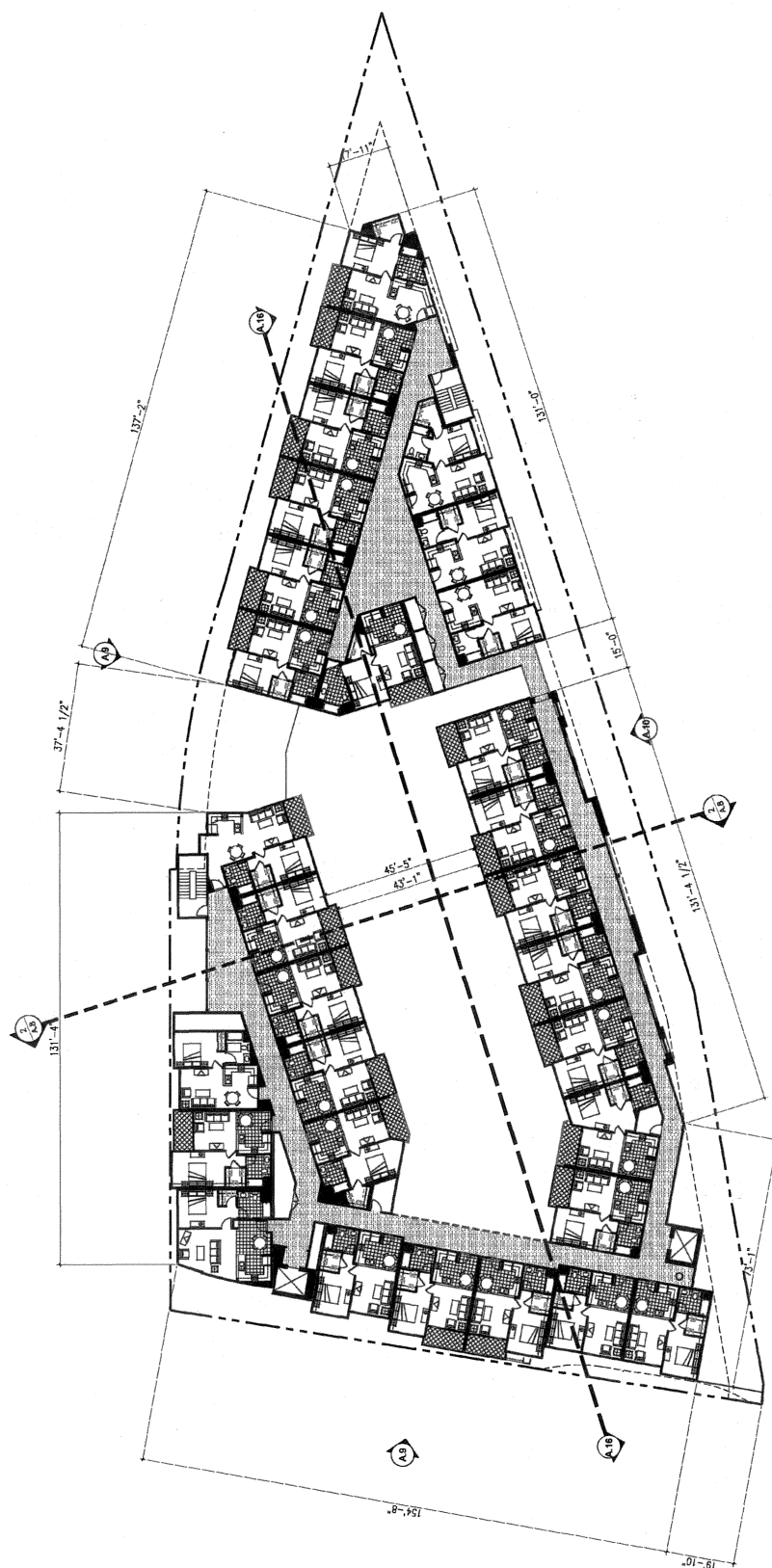
AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

High and MacArthur Senior Community
 Oakland, California



KTGY GROUP, INC.
 Architecture • Planning
 1411 5th St., Suite 300, Santa Monica, CA 90401
 Main: 310.394.2623 Fax: 310.394.2625
 Irvine • Santa Monica • Oakland • Denver
 All Rights Reserved

Project # 20050854.00 02/04/08



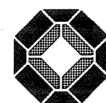
THIRD FLOOR PLAN



AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

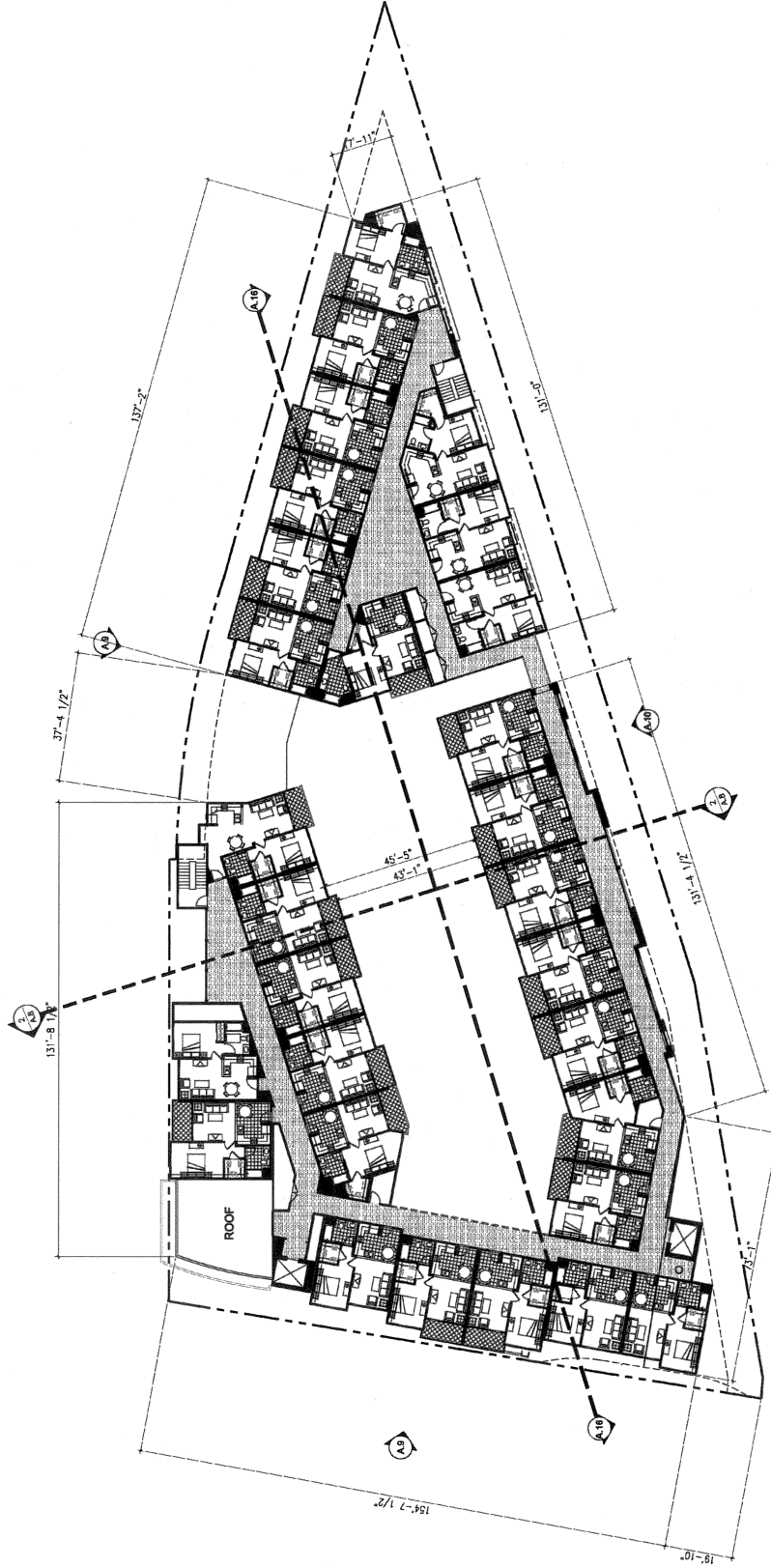
High and MacArthur Senior Community

Oakland, California

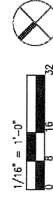


KTGY GROUP, INC.
 ARCHITECTURE • PLANNING
 1411 5th St., Suite 300 Santa Monica, CA 90401
 Main: 310.394.2623 Fax: 310.394.2625
 Irvine • Santa Monica • Oakland • Denver
 All Rights Reserved

Project # 20050854.00 02/04/08



FOURTH FLOOR PLAN



AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

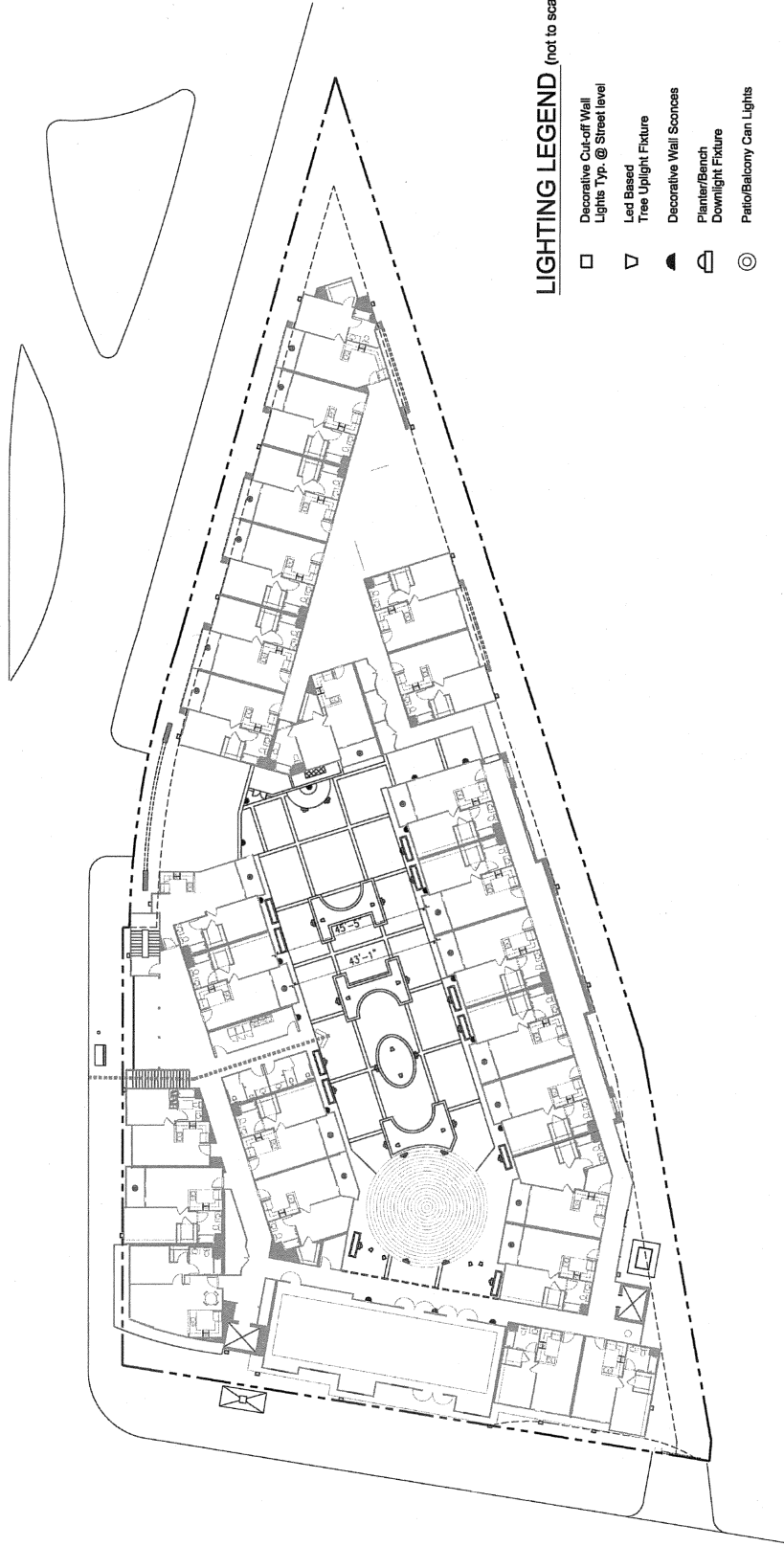
High and MacArthur Senior Community

Oakland, California



KTGY GROUP, INC.
 Architecture • Planning
 1411 5th St., Suite 300 Santa Monica, CA 90401
 Main: 310.394.2623 Fax: 310.394.2625
 Irvine • Santa Monica • Oakland • Denver
 All Rights Reserved

Project # 2005085400 02/04/08



LIGHTING LEGEND (not to scale)

- Decorative Cut-off Wall Lights Typ. @ Street level
- ▽ Led Based Tree Uplight Fixture
- ▲ Decorative Wall Sconces
- ⬤ Planter/Bench Downlight Fixture
- ⊙ Patio/Balcony Can Lights

LIGHTING PLAN



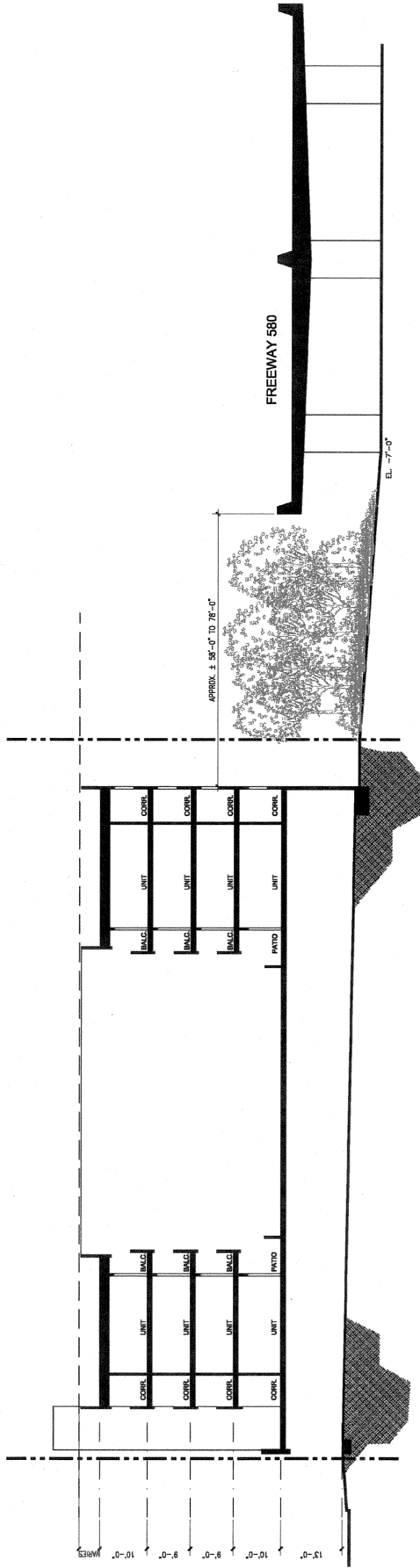
AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

High and MacArthur Senior Community
 Oakland, California

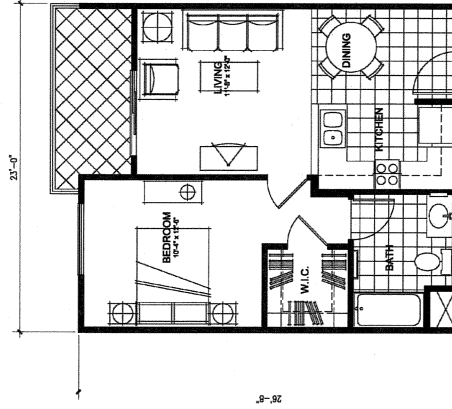


KTGY GROUP INC.
Architecture + Planning
 14115 St. Suite 300 Santa Monica, CA 90405
 Main 310.394.2823 Fax 310.394.2825
 Irvine • Santa Monica • Oakland • Denver
 All Rights Reserved

Project # 2005085400
 REVISED
 05/12/13



2. TYPICAL BUILDING SECTION



1. TYPICAL UNIT PLAN (approx. 540 s.f.)

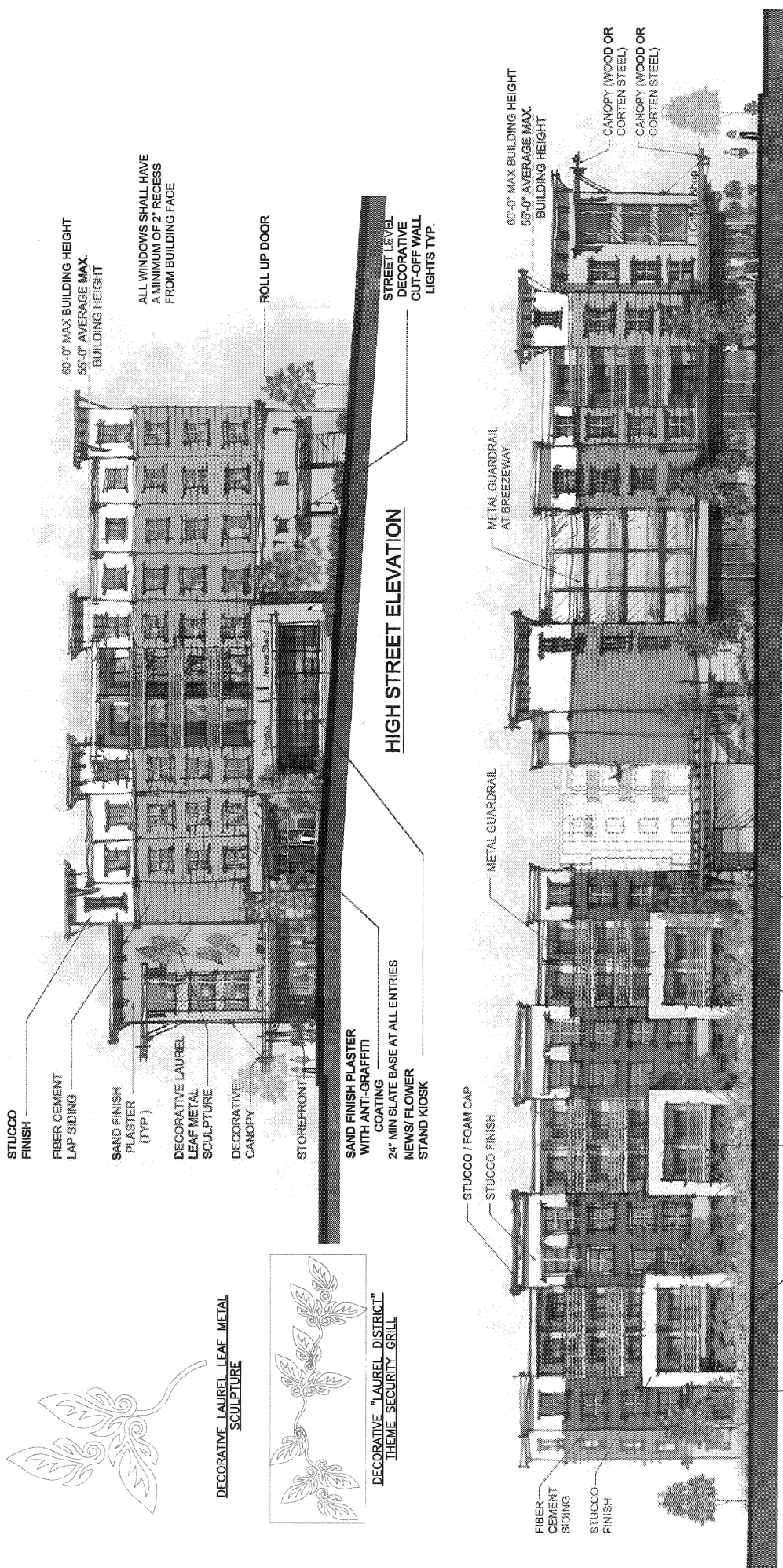
AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603

High and MacArthur Senior Community Oakland, California



KTGY GROUP, INC.
Architecture ■ Planning
1411 5th St. Suite 300 Santa Monica, CA 90401
Main: 310.394.2623 Fax: 310.394.2625
Beverly Hills ■ Santa Monica ■ Oakland ■ San Francisco
© Registered Architect

Project # 2005085400 02/04/08



STUCCO FINISH

FIBER CEMENT LAP SIDING

SAND FINISH PLASTER (TYP.)

DECORATIVE LAUREL LEAF METAL SCULPTURE

DECORATIVE CANOPY

STOREFRONT

SAND FINISH PLASTER WITH ANTI-GRAFFITI COATING

24" MIN SLATE BASE AT ALL ENTRIES NEWS/ FLOWER STAND KIOSK

HIGH STREET ELEVATION

STREET LEVEL DECORATIVE CUT-OFF WALL LIGHTS TYP.

60'-0" MAX BUILDING HEIGHT
55'-0" AVERAGE MAX BUILDING HEIGHT

ALL WINDOWS SHALL HAVE A MINIMUM OF 2' RECESS FROM BUILDING FACE

ROLL UP DOOR

METAL GUARDRAIL AT BREEZEWAY

METAL GUARDRAIL

STUCCO / FOAM CAP

STUCCO FINISH

FIBER CEMENT SIDING

STUCCO FINISH

60'-0" MAX BUILDING HEIGHT
55'-0" AVERAGE MAX BUILDING HEIGHT

CANOPY (WOOD OR CORTEN STEEL)
CANOPY (WOOD OR CORTEN STEEL)

DECORATIVE "LAUREL DISTRICT" THEME SECURITY GRILL

SAND FINISH PLASTER WITH ANTI-GRAFFITI COATING

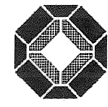
TRELLIS

MacARTHUR STREET ELEVATION

THE CONCEPT HERE IS TO SCREEN THE PARKING LOT WITH AN ORNAMENTAL TREATMENT OF INTERWOVEN LAUREL LEAVES. IT DOES NOT HAVE TO BE DENSE ENOUGH TO SECURE THE AREA - JUST ATTRACTIVELY SCREEN. I WOULD LIKE TO FIND A WAY TO USE THE NEGATIVE IMAGES LEFT OVER FROM THE METAL CUT OUTS - PERHAPS IT COULD ALTERNATE (POSITIVE AND NEGATIVE) OR BE PLACED SOMEPLACE ELSE ON THE PROJECT OR USED SOMEPLACE ELSE ON THE LAUREL DISTRICT! YOUR THOUGHTS ARE APPRECIATED.

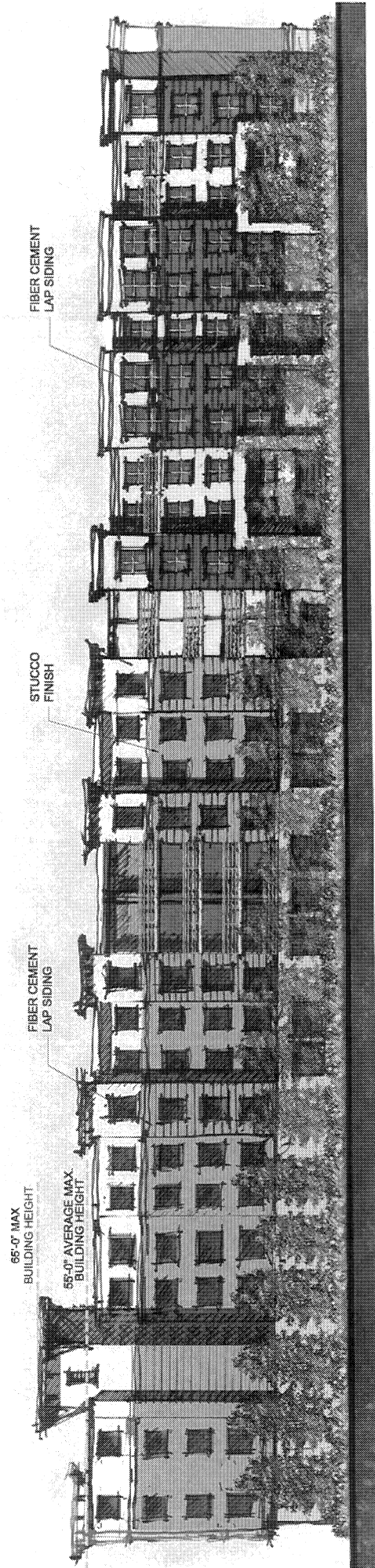
AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603

High and MacArthur Senior Community
Oakland, California



KTGY GROUP, INC.
Architecture • Planning
1411 5th St, Suite 300 Santa Monica, CA 90401
Mail: 310.394.2623 Fax: 310.394.2625
 Irvine • Santa Monica • Oakland • Denver
All Rights Reserved

Project # 2005085400 02/04/08



MacARTHUR (RTE. 580) ELEVATION

AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

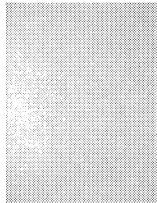
High and MacArthur Senior Community Oakland, California



KTGY GROUP, INC.
 Architecture • Planning
 1411 5th Street, Suite 300 Santa Monica, CA 90401
 Tel: 310.394.2625
 Fax: 310.394.2626
 Irvine • Santa Monica • Oakland
 All Rights Reserved
 Project # 2005085400 02/04/08

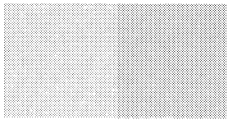
A.10

1. SAND FINISH PLASTER



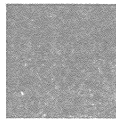
2. PAINT SELECTIONS

A.ICI Paints
Marathon
MP# 2071 63623



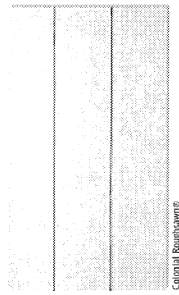
B. Frazee
Admiral
CL 1650A

C.ICI Paints
Decorado
MP# 3071 71228

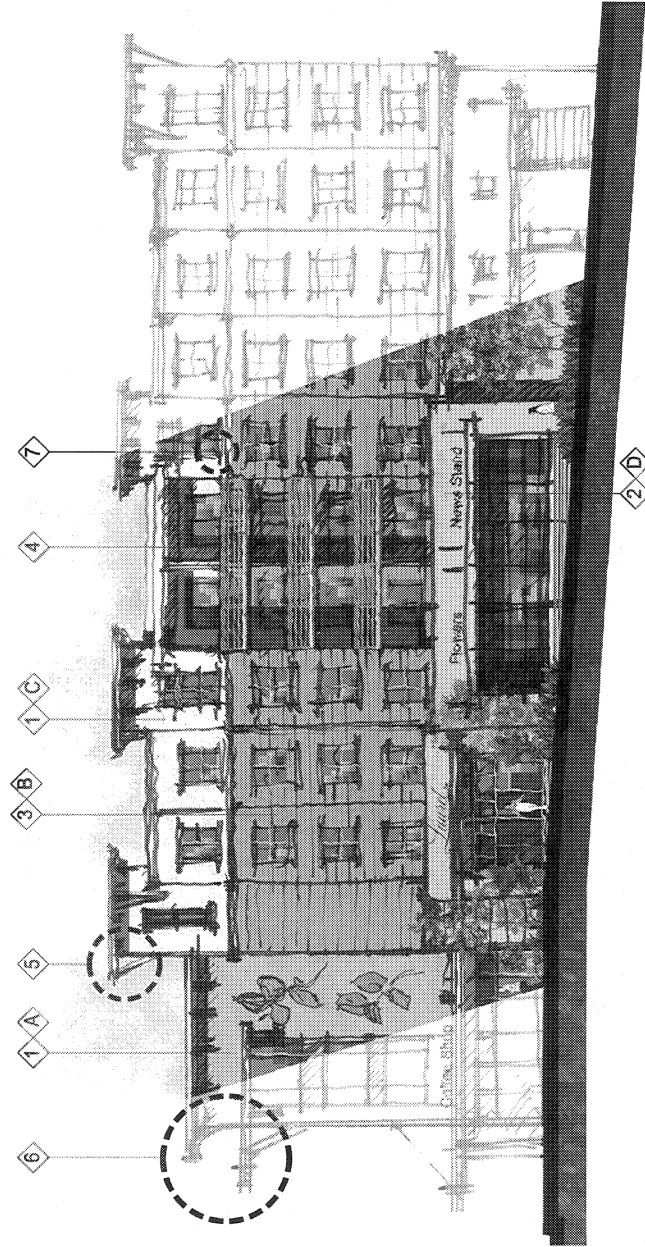


D.ICI Paints
Decorado
MP# 3071 46138

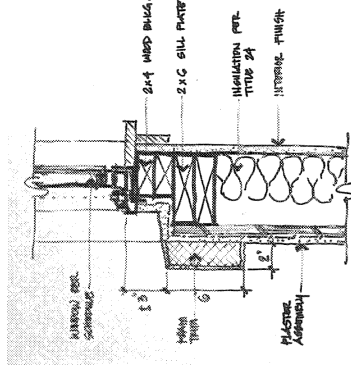
3. FIBER CEMENT LAP SIDING



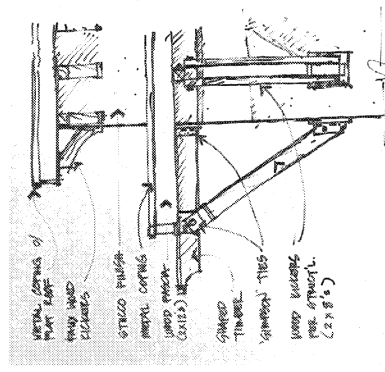
Crestal Roughsawn



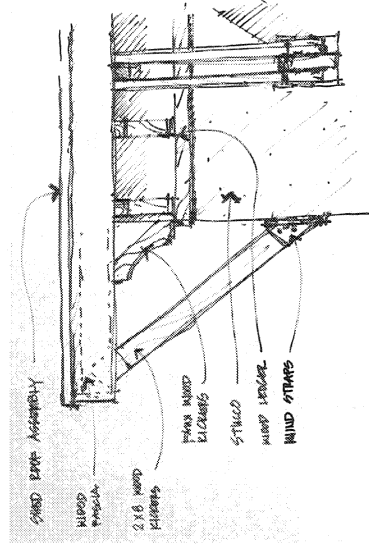
7. RECESSED ALUMINUM WINDOW



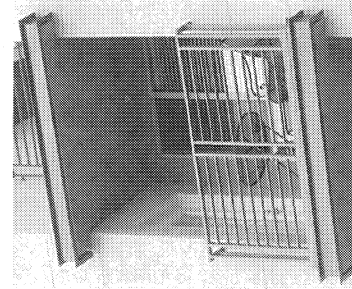
6. DECORATIVE CANOPY



5. TOWER



4. RAILING SYSTEM



SEE SHEET A.12
FOR ADDITIONAL
INFORMATION

MATERIALS AND DETAILS

SCALE: 1/8" = 1'-0"

High and MacArthur Senior Community
OAKLAND, CALIFORNIA

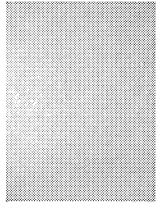


KTGY GROUP, INC.
Architecture • Planning
1411 5th St. Suite 300 Santa Monica, CA 90401
Main 310.394.2623 Fax 310.394.2625
San Francisco • Santa Monica • Oakland • Denver
Los Angeles • Portland

Project # 20050854.00
REVISED
06/12/13

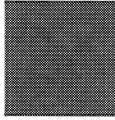
A.11

1. SAND FINISH PLASTER



2. PAINT SELECTIONS

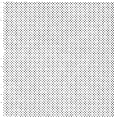
A. CI Panels
Classic Library Red
MPS 301R 07/054



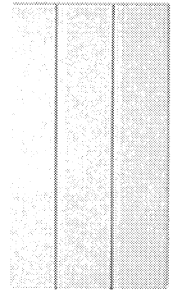
B. CI Panels
Sage Green
MPS 401T 7/028



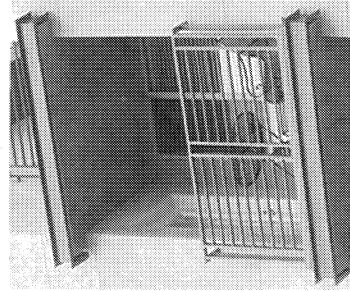
C. CI Panels
Sage Green
MPS 001Y 46/139



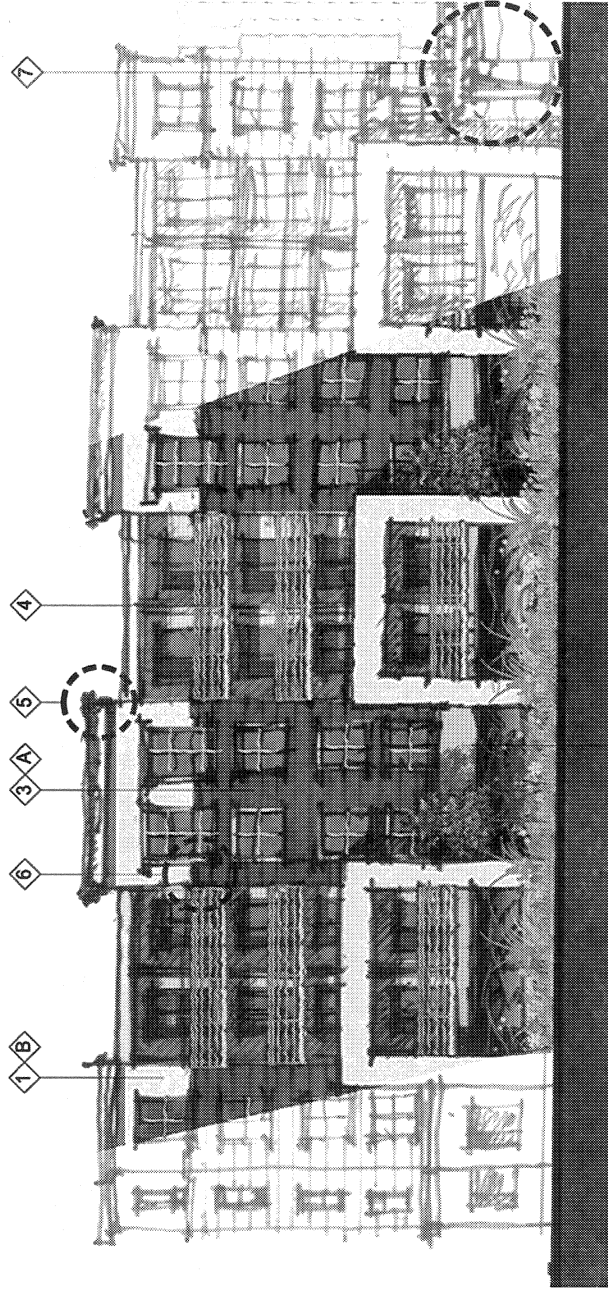
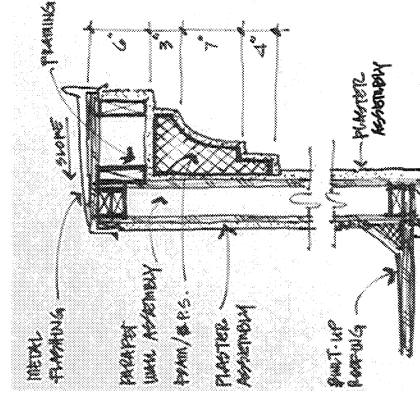
3. FIBER CEMENT LAP SIDING



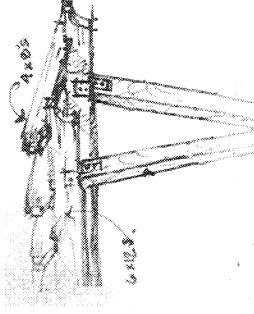
4. RAILING SYSTEM



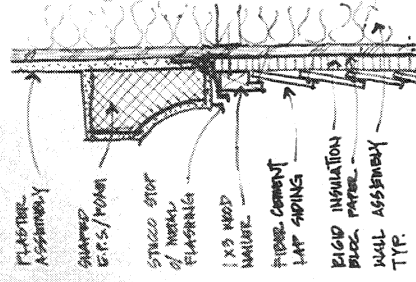
5. PARAPET



7. TRELLIS GATEWAY



6. WALL TRANSITION



MATERIALS AND DETAILS

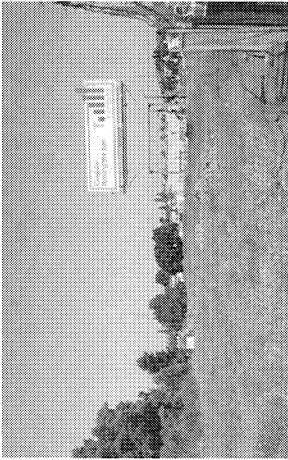
SCALE: 1/8" = 1'-0"

High and MacArthur Senior Community
OAKLAND, CALIFORNIA



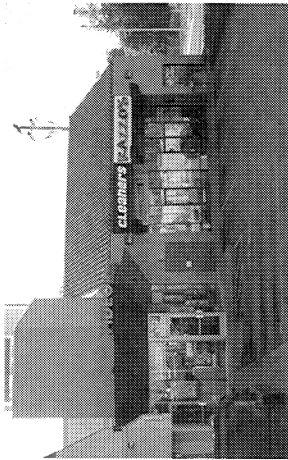
KITGY GROUP, INC.
Architecture • Planning
11155 San Juan Avenue, Suite 300 Santa Monica, CA 90401
Tel: 310.390.1234 Fax: 310.390.1235
Irvine • Santa Monica • Oakland • Denver
All Rights Reserved

Project # 20050854.00 02/04/08

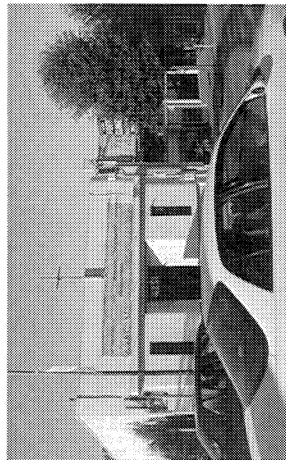


PROPERTY SIDE VIEW FACING NORTHEAST

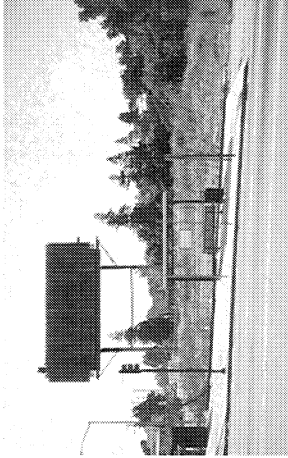
EXISTING LOT



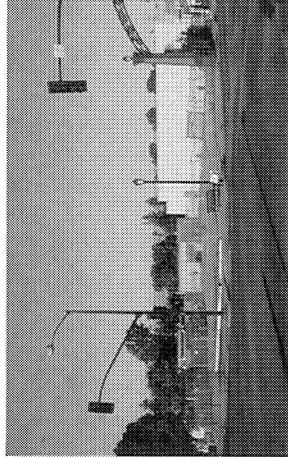
ACROSS STREET EAST CORNER



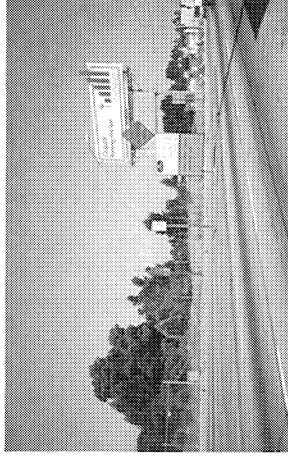
4251 MACARTHUR BOULEVARD



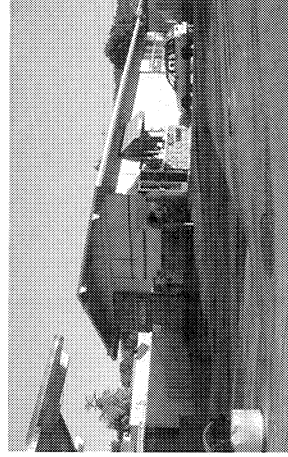
PROPERTY SIDE VIEW FROM HIGH STREET FACING SOUTH



ACROSS STREET WEST CORNER



PROPERTY SIDE VIEW FROM MACARTHUR BOULEVARD FACING NORTH



ACROSS STREET NORTH CORNER

AJACENT / ACROSS STREET PROPERTIES

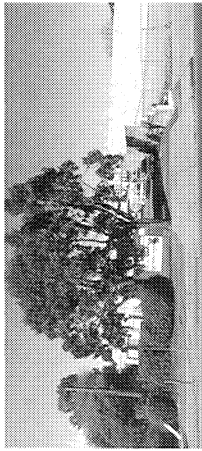
AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603

High and MacArthur Senior Community
Oakland, California

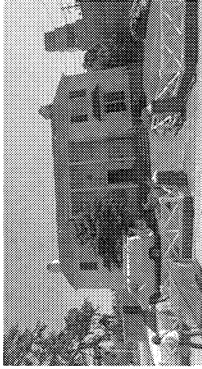


KTGY GROUP, INC.
Architecture • Planning
14155 S. Bascom Avenue, Suite 200
Menlo Park, CA 94025
Tel: 650.320.2823 Fax: 650.320.2825
Irvine • Santa Monica • Oakland • Denver
All Rights Reserved

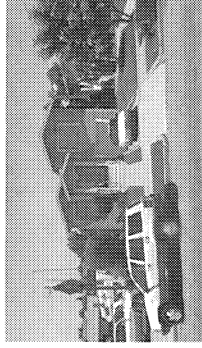
Project # 2005085400 02/04/08



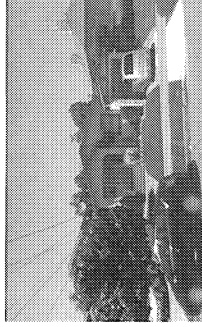
3251 HIGH STREET



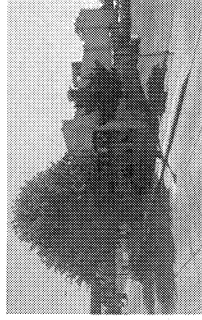
3616 HIGH STREET



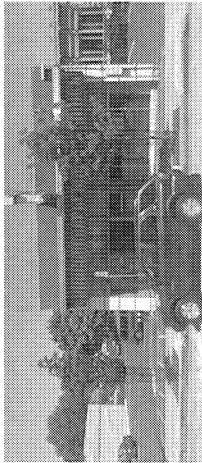
3627 HIGH STREET



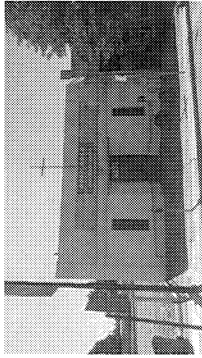
3633 HIGH STREET



4233 MACARTHUR BOULEVARD



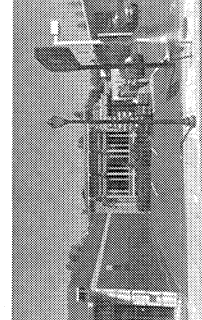
4248 MACARTHUR BOULEVARD



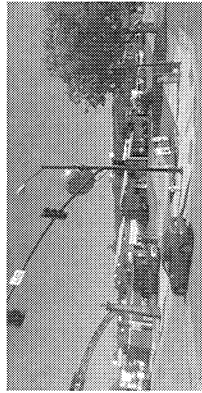
4251 MACARTHUR BOULEVARD



4255 MACARTHUR BOULEVARD



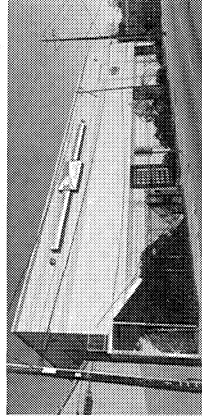
4258 MACARTHUR BOULEVARD



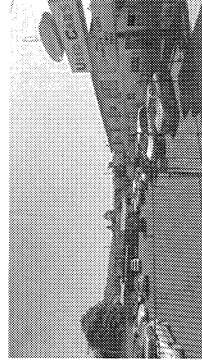
4267 MACARTHUR BOULEVARD



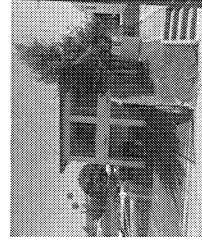
4300 MACARTHUR BOULEVARD



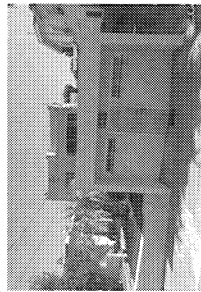
4400 MACARTHUR BOULEVARD



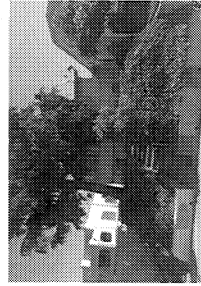
4412 MACARTHUR BOULEVARD



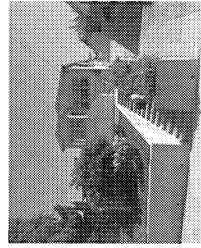
4422 MACARTHUR BOULEVARD



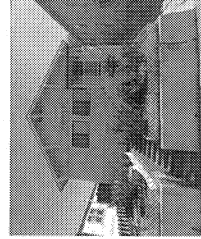
4430 MACARTHUR BOULEVARD



4436 MACARTHUR BOULEVARD



4442 MACARTHUR BOULEVARD



4446 MACARTHUR BOULEVARD



4454 MACARTHUR BOULEVARD



4460 MACARTHUR BOULEVARD

20 NEAREST NEIGHBORS

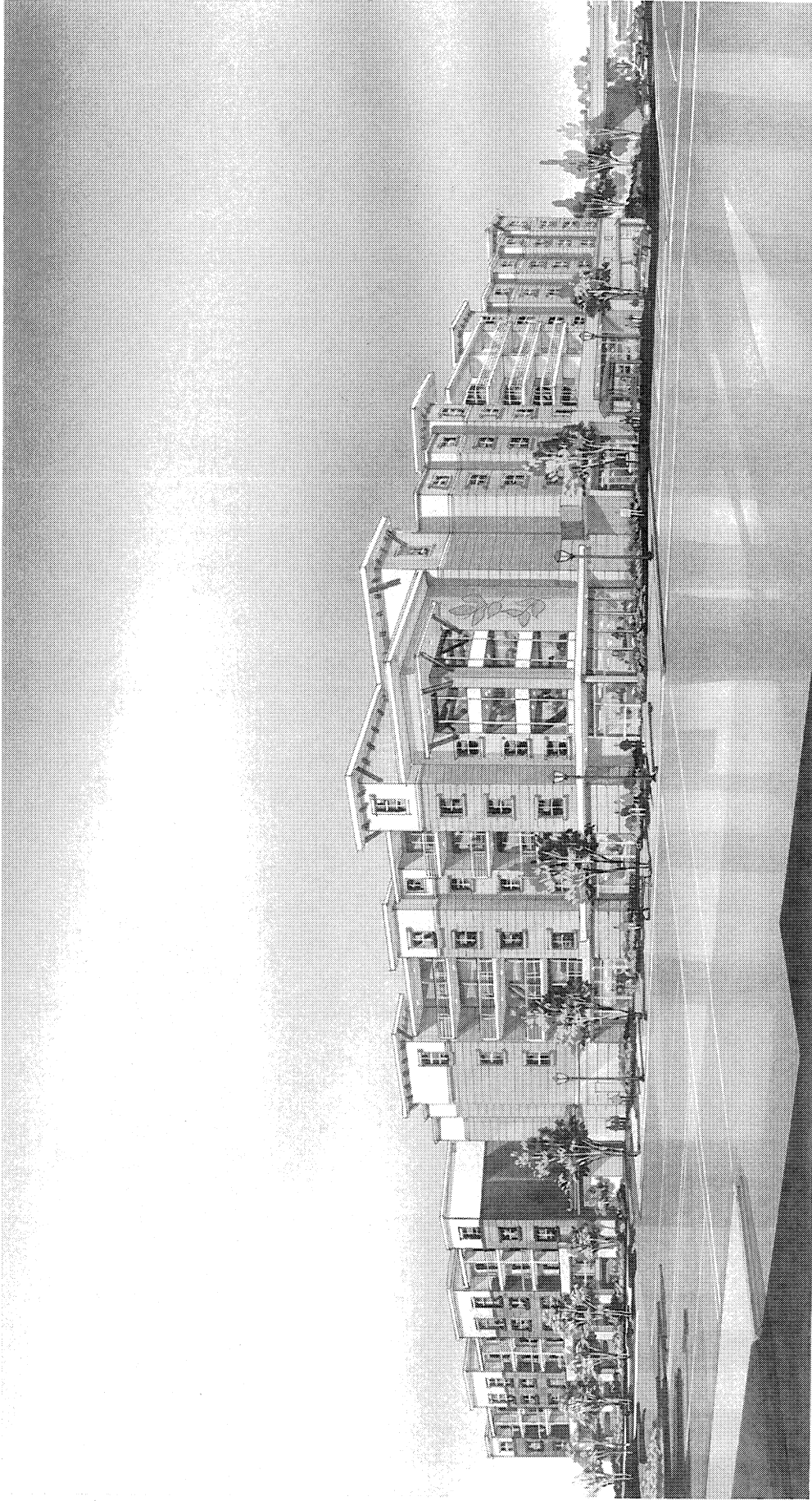
AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603



High and MacArthur Senior Community Oakland, California

KTG GROUP INC.
Architecture • Planning
1411 9th St. Suite 300
Oakland, CA 94612
Tel: 415.778.2625 Fax: 415.778.2625
Irvine • Santa Monica • Oakland • Denver
All Rights Reserved

Project # 20050854.00 02/04/08



3-D RENDERING

AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603

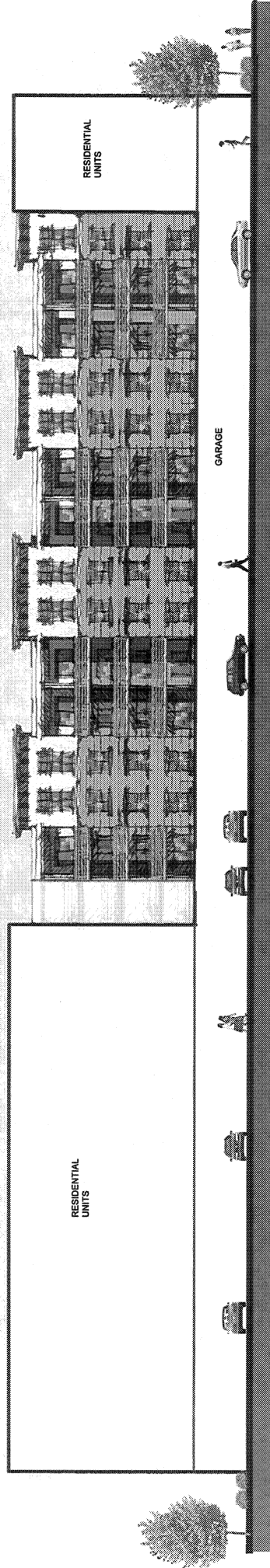
High and MacArthur Senior Community

Oakland, California



KTGY GROUP, INC.
Architecture • Planning
1411 1st St., Suite 300, San Francisco, CA 94101
Main: 310.394.2623 Fax: 310.394.2625
Irvine • Santa Monica • Oakland • Denver
All Rights Reserved

Project # 2005085400 02/04/08



INTERIOR ELEVATION AT COURTYARD

A.16

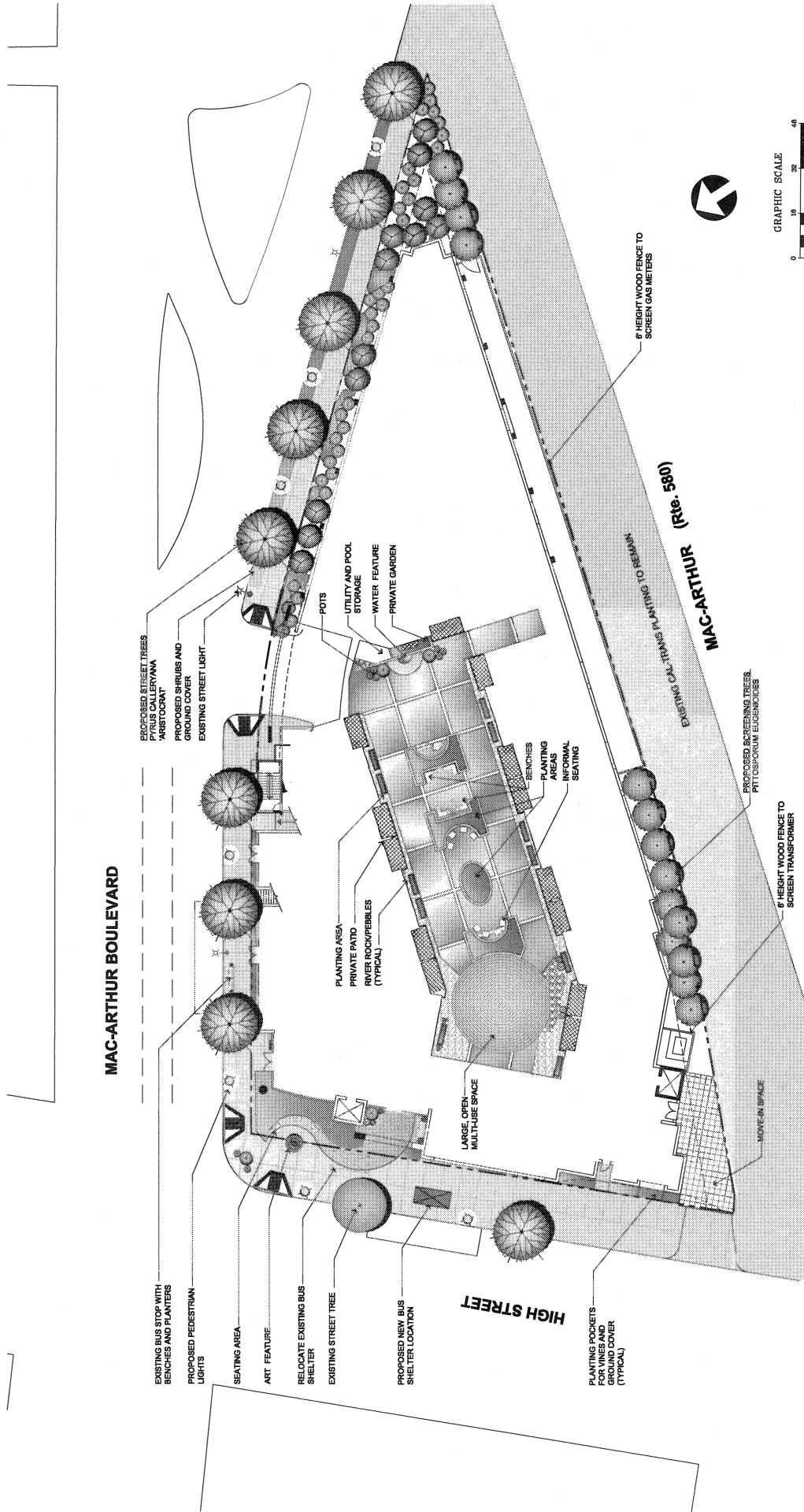
GOLDEN
ASSOCIATES
 4400 MARKET STREET OAKLAND CA 94608
 t 510 465 4030 f 510 465 5335 CA Lic #2421
 LANDSCAPE ARCHITECTURE URBAN DESIGN & PLANNING

12/22/2010

Project # 603

AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.360.2600 ext. 19
 Fax: 818.360.2603

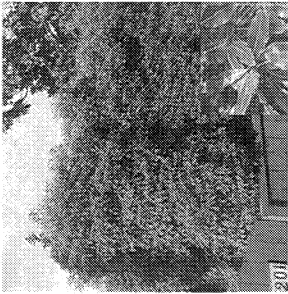
High and MacArthur Senior Community **Oakland, California**



AMG & Associates, LLC
 16633 Ventura Boulevard, Suite 1014
 Encino, California 91436
 Tel: 818.380.2600 ext. 19
 Fax: 818.380.2603

High and Macarthur Senior Community **Oakland, California**

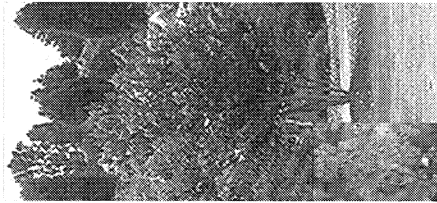
GOLDEN associates
 4400 MARKET STREET OAKLAND CA, 94609
 T: 510.465.8000 F: 510.465.5325 CA #: 0031
 LANDSCAPE ARCHITECTURE URBAN DESIGN & PLANNING
 REVISED 06/12/13
 Project # 603



PITTOSPORUM EUGENIODES
SCREENING ALONG HIGHWAY 580



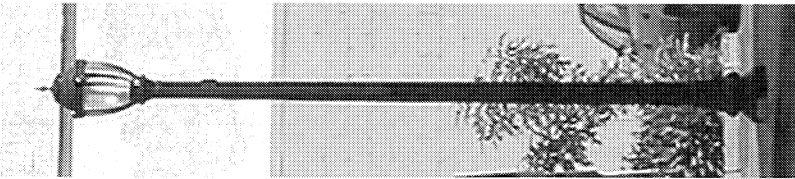
PIRUS CALLERYANA 'ARISTOCRAT'
FLOWERING PEAR - STREET TREE



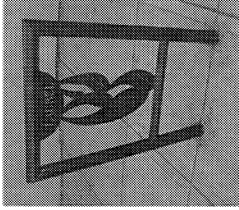
LAGERSTROEMIA INDICA
CREPE MYRTLE - ACCENT TREE



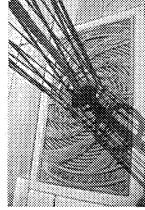
BANNERS AT LIGHTS



PEDESTRIAN LIGHTING



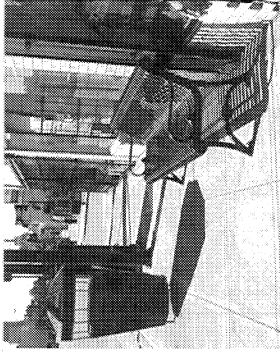
CUSTOM BIKE RACK



CUSTOM TREE GRATES



FLOWERING POTS



BENCHES AND TRASH RECEPTACLES



BUS SHELTER

SITE MATERIALS

LA.2

AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436
Tel: 818.380.2600 ext. 19
Fax: 818.380.2603

High and Macarthur Senior Community Oakland, California

GOLDEN
associates
4400 MARKET STREET OAKLAND CA 94608
t: 510.465.4030 f: 510.465.3325 CA lic #5401
LANDSCAPE ARCHITECTURE URBAN DESIGN & PLANNING

Project # 603

2/1/08

ATTACHMENT B
**STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND
REPORTING PROGRAM**

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) was formulated based on the findings of the Environmental Impact Report (EIR) prepared for the High & MacArthur Mixed-Use project in the City of Oakland. This SCAMMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists Standard Conditions of Approval (SCAs) and improvements recommended in the EIR and identifies mitigation monitoring requirements.

Table 1 presents the SCAs identified in the High & MacArthur EIR necessary to mitigate potentially significant impacts as well as recommended improvements. Each SCA or Recommended Improvement has been organized to correspond with the environmental issues discussed in Chapter IV of the EIR and the Initial Study. The Initial Study and EIR found that all potentially significant impacts would be reduced to a less-than-significant level with implementation of SCAs. The Initial Study and EIR did not identify any significant impacts; therefore, no mitigation measures are warranted. The Recommended Improvements listed at the end of Table 1 are not required to mitigate potentially significant impacts, but are included based on the Response to Comments document.

The first column of Table 1 identifies the SCA or Recommended Improvement. The second column identifies the monitoring schedule or timing, while the third column names the party responsible for monitoring the required action. The fourth column, “Monitoring Procedure,” outlines the steps for monitoring the action identified in the SCA or Recommended Improvement. The fifth and sixth columns deal with reporting and provide spaces for comments, dates and initials. These last columns will be used by the City to ensure that individual SCAs and Recommended Improvements have been monitored.

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
A. AESTHETIC RESOURCES					
IS SCA AES-1: Lighting Plan. <i>Prior to 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 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.	Prior to the issuance of an electrical or building permit	City of Oakland, Planning and Zoning Division and the Electrical Services and Traffic Maintenance Division of the Public Works Agency	<ul style="list-style-type: none"> Verify that lighting fixtures are shielded to prevent unnecessary glare. Ensure that all lighting is architecturally integrated into the site. 		
EIR SCA AES-1: Required Landscape Plan for New Construction and Certain Additions to Residential Facilities. <i>Prior to issuance of a building permit.</i> Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. 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: <ol style="list-style-type: none"> Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species. Landscape plans for projects involving grading, rear walls on down slope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all 	Prior to the issuance of a building permit	City of Oakland, Planning and Zoning Division	Ensure that the landscape plan and the plant materials installed pursuant to the approved plan conform to all provisions of Chapter 17.124 of the Oakland Planning Code.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>graded areas, rear wall treatments, and vegetation management prescriptions.</p> <p>c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.</p> <p>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.</p>					
<p>EIR SCA AES-2: Landscape Requirements for Street Frontages. Prior to issuance of a final inspection of the building permit.</p> <p>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.</p> <p>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</p>	<p>Prior to issuance of a final inspection of a building permit</p>	<p>City of Oakland, Planning and Zoning Division, Director of City Planning</p>	<ul style="list-style-type: none"> Ensure that street frontages comply with all provisions of Chapter 17.124 of the Oakland Planning Code and are reviewed by the Director of City Planning if existing plant materials are proposed to be incorporated. Ensure that a minimum of one (1) fifteen-gallon 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
satisfaction of the Director of Parks and Recreation.			tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, is provided for every twenty-five (25) feet of street frontage.		
EIR SCA AES-3: 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.	Prior to the issuance of a final inspection of the building permit	City of Oakland, Planning and Zoning Division, Director of City Planning	Ensure that landscape materials are planted or City-accepted financing method is posted.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement EIR SCA AES-4: Landscape Requirements for Street Frontages. Prior to issuance of a final inspection of the building permit. 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 (6½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.	Prior to the issuance of a final inspection of the building permit	City of Oakland, Tree Services Division of the Public Works Agency	Ensure that planted trees comply with the SCA and/or City arborist recommendation.		
EIR SCA AES-5: 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 irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing	City of Oakland, Tree Services Division of the Public Works Agency	Ensure that required planting and irrigation systems are permanently maintained in good condition.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement EIR SCA AES-6: Improvements in the Public Right-of-Way (General). <i>Approved prior to the issuance of a P-job or building permit.</i> <p>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 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 connection with project approval. Encroachment permits shall be obtained as necessary for any applicable improvements located within the public ROW.</p> <p>b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.</p> <p>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.</p> <p>d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.</p>	<p>Prior to the issuance of a P-job or building permit</p>	<p>City of Oakland, Building Services Division, Planning and Zoning Division, the Public Works Agency including Tree Services Division, and the Fire Prevention Bureau</p>	<p>Ensure that all improvements in the public right-of-way are approved by responsible agencies prior to any permit issuance.</p>		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>EIR SCA AES-7: Underground Utilities. <i>Prior to issuance of a building permit.</i></p> <p>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.</p>	Prior to the issuance of a building permit	City of Oakland, Building Services Division and the Public Works Agency	Ensure that plans are submitted to responsible agency and that plans include all requirements listed in the SCA.		
<p>EIR SCA AES-8: Tree Protection During Construction. <i>Prior to issuance of a demolition, grading, or building permit.</i></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>a) 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>b) 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</p>	Prior to the issuance of a demolition, grading, or building permit	City of Oakland, Public Works Agency, including Tree Services Division	Ensure that trees which are to remain standing will be protected by the listed requirements and any additional recommended by an arborist.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>perimeter shall be minimized. No change in existing 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> <p>c) 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> <p>d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e) 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> <p>f) 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</p>					

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.					
B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS					
<p>EIR SCA AIR-1: Construction-Related Air Pollution Controls, (Dust, and Equipment Emissions). Ongoing throughout demolition, grading, and/or construction.</p> <p>During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):</p> <p>BASIC: (Applies to all construction sites)</p> <p>a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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.</p> <p>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>d) 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.</p> <p>e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division	<ul style="list-style-type: none"> Make regular visits to the project site to ensure that all dust-control measures are being implemented. Verify that a designated dust control coordinator is on-call during construction periods. 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>f) Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and BAAQMD shall also be visible. This information may be posted on other required on-site signage.</p> <p>ENHANCED: All "Basic" controls listed above plus the following controls if the project involves:</p> <ul style="list-style-type: none"> i) 114 or more single-family dwelling units; ii) 240 or more multi-family units; iii) Nonresidential uses that exceed the applicable screening size listed in BAAQMD's CEQA Guidelines; iv) Demolition permit; v) Simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); vi) Extensive site preparation (i.e., the construction site is four acres or more in size); or 					

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>vii) Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).</p> <p>j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind-blown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p>					

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</p> <p>t) Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.</p> <p>v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.</p> <p>x) Off-road heavy diesel engines shall meet CARB's most recent certification standard.</p> <p>EIR SCA AIR-2: Exposure of Air Pollution (Toxic Air Contaminants: Particulate Matter). Prior to issuance of a demolition, grading, or building permit.</p> <p>A. Indoor Air Quality: In accordance with the recommendations of CARB and BAAQMD, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an</p>					
	Prior to issuance of a demolition, grading, or building permit	City of Oakland, Planning and Zoning Division and the Building Services Division	<ul style="list-style-type: none"> Verify that an appropriate method to achieve an acceptable interior air quality level is 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:</p> <p>1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p>2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.</p> <p>a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).</p> <p>b) Do not locate sensitive receptors near distribution center's entry and exit points.</p> <p>c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the</p>			<p>implemented.</p> <ul style="list-style-type: none"> Verify that the outdoor areas are shielded or buffered from air pollution sources to the maximum extent feasible, 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>sensitive receptors.</p> <p>d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.</p> <p>e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.</p> <p>f) Install indoor air quality monitoring units in buildings.</p> <p>g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.</p> <p>B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p>					

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>EIR SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions). Prior to issuance of a demolition, grading, or building permit.</p> <p>A. Indoor Air Quality: In accordance with the recommendations of CARB and BAAQMD, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a HRA in accordance with CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p>B. Exterior Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p>	<p>Prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, Planning and Zoning Division</p>	<ul style="list-style-type: none"> Verify that indoor air quality measures are incorporated into the project design and that a qualified air quality consultant is retained to prepare a HRA that is submitted to the Planning and Zoning Division for review and approval. Verify that individual and common exterior open space is shielded or buffered from the course of air pollution to the maximum extent practicable. 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
C. AGRICULTURE AND FOREST RESOURCES					
<i>No SCAs or Recommended Improvements were determined to be necessary for Agriculture and Forest Resources.</i>					
D. BIOLOGICAL RESOURCES					
<i>No SCAs or Recommended Improvements were determined to be necessary for Biological Resources.</i>					
E. CULTURAL RESOURCES					
IS SCA CULT-I: Archeological Resources, 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 historical 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 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	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division and Planning and Zoning Division - Historic Preservation Staff	In the event that any prehistoric or historical subsurface cultural resources are discovered, ensure all work within 50 feet of the resources is halted and ensure the project applicant and/or Lead Agency consult with a qualified archaeologist to assess the significance of the find.		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>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.</p> <p>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 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.</p>					
<p>IS SCA CULT-2: Paleontological Resources. Ongoing throughout demolition, grading and/or construction.</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 (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</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division and Planning and Zoning Division	In the event of an unanticipated discovery of a paleontological resource, ensure that excavations within 50 feet of the find be temporarily halted or diverted until the discovery is examined by a		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement <p>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>			qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995, 1996)).		
IS SCA CULT-3: Human Remains. Ongoing throughout demolition, grading and/or construction. <p>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.</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division and Planning and Zoning Division	In the event that human skeletal remains are uncovered, ensure that all work is immediately halted and the Alameda County Coroner is contacted to evaluate the remains following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines.		
F. GEOLOGY AND SOILS					
IS SCA GEO-1: Soils Report. Required as part of the submittal of a tentative tract or tentative parcel map. <p>A preliminary soils report for the project site shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p>	Required as part of the submittal of a tentative tract or tentative parcel map	City of Oakland, Building Services Division	Verify that a preliminary soils report has been submitted for the project site.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>A. Logs of borings and/or profiles of test pits and trenches:</p> <ol style="list-style-type: none"> 1) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. 2) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. 3) All boring logs shall be included in the soils report. <p>B. Test pits and trenches:</p> <ol style="list-style-type: none"> 1) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. 2) Soils profiles of all test pits and trenches shall be included in the soils report. <p>C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</p> <p>D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1) Site description; 					

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
2) Local and site geology; 3) Review of previous field and laboratory investigations for the site; 4) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Planning and Zoning Division; 5) Site stability shall be addressed with particular attention to existing conditions and proposed corrective actions to existing conditions and proposed corrective actions at locations where land stability problems exist; 6) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required; 7) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report; 8) All other items which a Soils Engineer deems necessary; and 9) The signature and registration number of the Civil Engineer preparing the report. F. The Director of Planning and Building Department may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.					
IS SCA GEO-2: Erosion and Sedimentation Control Plan. <i>Prior to any</i>	Prior to any	City of Oakland,	Verify that a site-		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement <i>grading activities.</i>	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. 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 the Planning and Building Department or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected any that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing.</i></p> <p>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.</p>	grading activities	Building Services Division	specific erosion and sedimentation control plan is submitted and approved.		
IS SCA GEO-3: Geotechnical Report. Required as part of the submittal of a tentative tract or tentative parcel map.	Required as part of the	City of Oakland, Building Services	Verify that the project sponsor has		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>a) 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> <ul style="list-style-type: none"> i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be 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. 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). iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland. 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. v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the 	<p>submittal of a tentative tract or tentative parcel map.</p>	<p>Division</p>	<p>submitted a site-specific, design level, landslide or liquefaction geotechnical investigation that meets the requirements of the SCA for each construction site within the project area.</p>		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>project.</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>b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>					
G. HAZARDS AND HAZARDOUS MATERIALS					
<p>IS SCA HAZ-1: Hazardous Materials Business Plan. Prior to issuance of a business license.</p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Environmental Protection and Compliance. 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:</p> <p>a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.</p> <p>b) The location of such hazardous materials.</p> <p>c) An emergency response plan including employee training information.</p>	Prior to the issuance of a business license	City of Oakland, Fire Prevention Bureau, Environmental Protection and Compliance	Verify that a Hazardous Materials Business Plan is submitted and includes the information required by the SCA.		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>d) A plan that describes the manner in which these materials are handled, transported and disposed.</p> <p>EIR SCA HAZ-1: Hazards Best Management Practices. 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:</p> <p>a) Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;</p> <p>b) Avoid overtopping construction equipment fuel gas tanks;</p> <p>c) During routine maintenance of construction equipment, properly contain and remove grease and oils;</p> <p>d) Properly dispose of discarded containers of fuels and other chemicals;</p> <p>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; and</p> <p>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</p>	<p>Prior to commencement of demolition, grading, or construction</p>	<p>City of Oakland, Building Services Division, and Planning and Zoning Division</p>	<p>Verify that construction BMPs are implemented.</p>		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement 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.					
EIR SCA HAZ-2: Site Review by the Fire Services Division. Prior to the issuance of demolition, grading or building permit. The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau, Environmental Protection and Compliance. Property owner may be required to obtain or perform a Phase II hazard assessment.	Prior to the issuance of demolition, grading or building permit	City of Oakland, Fire Prevention Bureau, Environmental Protection and Compliance	Verify that project applicant submit plans for site review and approval by the Fire Prevention Bureau, Environmental Protection and Compliance.		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement					
EIR SCA HAZ-3: Phase I and/or Phase II Reports. Prior to issuance of a demolition, grading, or building permit. Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Environmental Protection and Compliance, a Phase I environmental site assessment report, and a Phase II report 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.	Prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, and Planning and Zoning Division	Verify that a Phase I, and, if appropriate, Phase II, environmental site assessment report has been submitted to the Fire Prevention Bureau Environmental Protection and Compliance. Ensure any approved recommended remediation actions are implemented.		
EIR SCA HAZ-4: Environmental Site Assessment Reports Remediation. 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.	Prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, and Planning and Zoning Division	<ul style="list-style-type: none"> Verify that written evidence of approval for any remedial actions required has been obtained and that remediation action plan has been adequately prepared. Verify that a construction-phase risk management plan has been 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
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.			adequately prepared.		
<p>EIR SCA HAZ-5: Best Management Practices for Soil and Groundwater Hazards. <i>Ongoing throughout demolition, grading, and construction activities.</i></p> <p>The project applicant shall implement all of the following BMPs regarding potential soil and groundwater hazards.</p> <p>a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, State and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.</p> <p>b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources).</p> <p>c) Prior to issuance of any demolition, grading, or building permit,</p>	Ongoing throughout demolition, grading, and construction activities	City of Oakland, Building Services Division, Planning and Zoning Division, Fire Department, and Emergency Management Services Division	<ul style="list-style-type: none"> Ensure that all BMPs listed are implemented by reviewing the written verification of required clearances by oversight authorities. Frequently visit site to confirm that soil is securely stockpiled and groundwater is safely contained. 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, State or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.					
EIR SCA HAZ-6: Radon or Vapor Intrusion from Soil or Groundwater Sources. <i>Ongoing.</i> The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Environmental Protection and Compliance, for review and approval, along with a Phase II report 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. Applicant shall implement the approved recommendations.	Ongoing	City of Oakland, Building Services Division, Planning and Zoning Division, and Fire Prevention Bureau, Environmental Protection and Compliance	Verify documentation regarding radon and vapor intrusion and confirm if Phase II report or professional signature are required.		
H. HYDROLOGY AND WATER QUALITY					
IS SCA HWQ-1: Erosion, Sedimentation, and Debris Control Measures. <i>Prior to issuance of a demolition, grading, or construction-related permit.</i> The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable BMPs for the construction industry, and	Prior to issuance of a demolition, grading, or construction-related permit	City of Oakland, Building Services Division, and Planning and Zoning Division	<ul style="list-style-type: none"> Verify that an erosion and sedimentation control plan has been adequately prepared and 		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>SCA/Recommended Improvement</p> <p>as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:</p> <p>a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, storm drains.</p> <p>b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.</p> <p>c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.</p> <p>d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.</p> <p>e) Ensure that concrete/granite supply trucks or concrete/plaster</p>			<ul style="list-style-type: none"> Verify that the applicant has obtained permissions and easements necessary for any off-site work required by the plan. Verify that applicant is able to retain qualified consultant if necessary. 		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>finishing operations do not discharge wash water into the creek, street gutters, or storm drains.</p> <p>f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or storm drains.</p> <p>g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on-site.</p> <p>h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</p> <p>i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</p> <p>j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, storm drains.</p> <p>k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the RWQCB.</p> <p>l) All erosion and sedimentation control measures shall be monitored</p>					

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.					
<p>IS SCA HWQ-2: Post-Construction Stormwater Management Plan. Prior to the issuance of building permit (or other construction related permit).</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.</p> <p>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> <p>a) The post-construction stormwater pollution management plan shall include and identify the following:</p> <ol style="list-style-type: none"> All proposed impervious surface on the site; Anticipated directional flows of on-site stormwater runoff; Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; Source control measures to limit the potential for stormwater pollution; Stormwater treatment measures to remove pollutants from stormwater runoff; and 	<p>Submit Stormwater Supplemental Form and stormwater pollution management plan prior to applying for first building permit;</p> <p>Comply with measures in plan: ongoing throughout demolition, grading, and/or construction activities; and Implement plan prior to final permit inspection</p>	<p>City of Oakland, Building Services Division, and Planning and Zoning Division</p>	<ul style="list-style-type: none"> Verify that the applicant complies with the requirements of Provision C.3 of the NPDES permit issued to the Alameda Countywide Clean Water Program. Verify that a completed Stormwater Supplemental Form and a stormwater pollution management plan have been adequately prepared. Prior to final permit inspection, 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>vi. Hydromodification management measures so that post-construction stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.</p> <p>b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:</p> <p>i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and</p> <p>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 typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.</p> <p>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 stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include onsite stormwater treatment measures in the post-construction stormwater pollution 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.</p> <p><i>Prior to final permit inspection.</i></p>			verify that the stormwater pollution management plan is implemented.		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
The applicant shall implement the approved stormwater pollution management plan.					
<p>IS SCA HWQ-3: Maintenance Agreement for Stormwater Treatment Measures. <i>Prior to final zoning inspection.</i></p> <p>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.</p> <p>a) 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</p> <p>b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the RWQCB, 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>	Prior to final zoning inspection	City of Oakland, Building Services Division, and Planning and Zoning Division	Verify that the applicant has entered into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit.		
I. LAND USE AND PLANNING					
<i>No SCAs or Recommended Improvements were determined to be necessary for Land Use and Planning.</i>					
J. MINERAL RESOURCES					
<i>No SCAs or Recommended Improvements were determined to be necessary for Mineral Resources.</i>					
K. NOISE					
<p>EIR SCA NOISE-1: Days/Hours of Construction Operation. <i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>The project applicant shall require construction contractors to limit</p>	Ongoing throughout demolition,	City of Oakland, Building Services Division	Make regular visits to the construction site to ensure that noise		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>standard construction activities as follows:</p> <p>a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.</p> <p>b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. 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.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <p>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.</p> <p>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.</p>	grading, and/or construction		from construction activities is appropriately controlled.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
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.					

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>EIR SCA NOISE-2: Noise Control. <i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <p>a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c) 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.</p> <p>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</p>	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division	<ul style="list-style-type: none"> Verify that a site-specific noise reduction program has been prepared and implemented Make regular visits to the construction site to ensure that noise from construction activities is appropriately controlled. 		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
extension is necessary and all available noise reduction controls are implemented.					
<p>EIR SCA NOISE-3: Noise Complaint Procedures. <i>Ongoing throughout demolition, grading, and/or construction.</i></p> <p>Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> a) A procedure and phone numbers for notifying the City 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. <p>EIR SCA NOISE-4: Interior Noise. <i>Prior to issuance of a building permit and Certificate of Occupancy.</i></p> <p>If necessary to comply with the interior noise requirements of the City of</p>	<p>Ongoing throughout demolition, grading, and/or construction; and</p> <p>Prior to the issuance of each building permit</p>	<p>City of Oakland, Building Services Division</p>	<p>Verify the implementation of the list of measures to respond to and track complaints pertaining to construction noise.</p>		
	Prior to issuance of a building permit	City of Oakland, Building Services Division	Verify that appropriate sound-rated assemblies to		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement <p>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:</p> <ul style="list-style-type: none"> a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit; and 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 and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following: <ul style="list-style-type: none"> i. 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. ii. Prohibition of Z-duct construction. 	and Certificate of Occupancy		reduce noise levels have been incorporated into the project building design.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>EIR SCA NOISE-5: Pile Driving and Other Extreme Noise Generators. <i>Ongoing throughout demolition, grading, and/or construction.</i> To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City 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:</p> <ul style="list-style-type: none"> 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 	Submit plan prior to commencing construction activities involving pile driving or other extreme noise generators; and Implement measures according to timeframes outlined in the plan	City of Oakland, Building Services Division	<ul style="list-style-type: none"> • Verify that a plan for reducing extreme noise generating construction impacts has been prepared. • Verify that the plan will achieve the maximum feasible noise attenuation. • Verify that a special inspection deposit has been submitted. 		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

SCA/Recommended Improvement	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example, and implement such measures if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.					
EIR SCA NOISE-6: 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 Division.	Ongoing	City of Oakland, Planning and Zoning Division, and Building Services Division	Verify that operation noise complies with the standards in Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code via site visits or other mechanisms.		
L. POPULATION AND HOUSING					
<i>No SCAs or Recommended Improvements were determined to be necessary for Population and Housing.</i>					
M. PUBLIC SERVICES					
<i>No SCAs or Recommended Improvements were determined to be necessary for Public Services.</i>					
N. RECREATION					
<i>No SCAs or Recommended Improvements were determined to be necessary for Recreation.</i>					
O. TRANSPORTATION AND CIRCULATION					
EIR SCA TRANS-1: 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	Prior to issuance of a final inspection of the building permit	City of Oakland, Planning and Zoning Division, Transportation Services Division	Verify that the TDM Plan has been prepared and approved by the Planning and Zoning		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>SCA/Recommended Improvement</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>EIR SCA TRANS-2: Construction Traffic and Parking. Prior to the issuance of a demolition, grading or building permit. The project applicant and construction contractor shall meet with</p>			Division.		
	Prior to the issuance of a	City of Oakland, Transportation	<ul style="list-style-type: none"> Confirm project applicant meets 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>SCA/Recommended Improvement</p> <p>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> <p>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.</p> <p>b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</p> <p>c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.</p> <p>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 Division.</p> <p>e) Provision for accommodation of pedestrian flow.</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,</p>	<p>demolition, grading or building permit</p>	<p>Services Division</p>	<p>with appropriate City of Oakland agencies to determine construction traffic management strategies.</p> <ul style="list-style-type: none"> • Ensure that project sponsor develops and submits construction management plan to AC Transit to review /comment prior to approval. • Verify that construction management plan meets the standards listed in the SCA. 		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement 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.					
P. UTILITIES AND SERVICE SYSTEMS					
IS SCA UTIL-1: Stormwater and Sewer. <i>Prior to completing the final design for the project's sewer service.</i> 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	Prior to completing the final design for the project's sewer service	City of Oakland, Sanitary Sewer Maintenance Department, Building Services Division	Verify that a qualified civil engineer has confirmed the capacity of the City's stormwater and sanitary sewer system and that		

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>SCA/Recommended Improvement</p> <p>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 BMPs 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>			applicant is responsible for necessary improvements.		
<p>IS SCA 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.</p> <p><i>Prior to issuance of demolition, grading, or building permit.</i></p> <p>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.</p> <p><i>Ongoing.</i></p> <p>The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Planning Code),</p>	<p>Prior to issuance of demolition, grading, or building permit and ongoing</p>	<p>City of Oakland, Environmental Services Division, Building Services Division</p>	<p>Verify that applicant has submitted a WRRP and ODP that comply with the requirements in Chapter 15.34 and 17.118 of the Oakland Planning Code.</p>		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement 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 resubmitted 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.					
RECOMMENDED IMPROVEMENTS					
Recommendation TRANS-1: In consultation with City of Oakland staff, consider the provision of shuttle service as a strategy to be included in the Transportation Demand Management (TDM) plan required by SCA TRANS-1. If considered feasible, implement the City approved shuttle service.	Prior to issuance of a final inspection of the building permit as part of EIR SCA TRANS-1	City of Oakland, Planning and Zoning Division, with Transportation Services Division as necessary	Ensure that shuttle service is considered for inclusion in the TDM plan and if considered feasible, implement approved shuttle service.		

TABLE 1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
SCA/Recommended Improvement					
Recommendation TRANS-2: Limit entry into the loading zone to a right turn in only and limit exit from the loading zone to a right turn out only (excluding any maneuvering required to back in/out of the loading zone) and prohibit deliveries during peak commute periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) and employ the use of flaggers as necessary to ensure safe maneuvering into the loading zone.	Prior to issuance of a final inspection of the building permit	City of Oakland, Transportation Services Division	<ul style="list-style-type: none"> Verify that mechanisms (such as signage, etc.) ensuring the use of the loading zone in accordance with Recommendation TRANS-2 are implemented. Visit site to confirm that deliveries are not occurring during prohibited times and flaggers are used. 		
Recommendation TRANS-3: Limit entry into the garage to a right turn in only and limit exits from the garage to a right turn out only.	Prior to issuance of a final inspection of building permit	City of Oakland, Transportation Services Division	Verify that mechanisms (such as signage, etc.) to limit entry into and exit from the garage are implemented.		

**HIGH & MACARTHUR MIXED-USE PROJECT
CEQA FINDINGS
Certification of the EIR and Rejection of Alternatives**

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the High and MacArthur Mixed-Use Project (the Project), SCH #2011052049.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval the Project.
3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The High & MacArthur Mixed-Use Project seeks to redevelop and revitalize an underutilized site in Oakland to provide a mixed-use senior housing development (residential and commercial). The Project would include construction of a five-story building containing 115 market-rate and affordable, one-bedroom, senior apartments; 3,446 square feet of ground-floor commercial space; and 65 parking spaces. The 0.93-acre Project site is located in Central Oakland on the edge of the Laurel District at the southwest corner of the High and MacArthur Boulevard intersection. The triangular shaped site is bound by MacArthur Boulevard to the north and east, MacArthur Freeway to the south, and High Street to the west. The Project site includes three privately owned parcels. The parcels are vacant except for a billboard (to be removed as part of the Project) and were at one time occupied by a PG&E service yard, an auto repair shop, and a market. The residential component of the building would be designed around an interior central courtyard. All the units are proposed to be one-bedroom and would average approximately 540 square feet in size. The maximum building height is 60 feet, with the tallest portion along the High Street elevation as the terrain slopes down from the corner to the freeway.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR and an Initial Study were published on May 18, 2011. The Initial Study screened out environmental factors that would not be further studied in the Draft EIR. These factors included: Agricultural Resources, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems. The NOP/IS was distributed to state and local agencies, posted at the Project site, and mailed to property owners within 300' of the Project site. On, June 15, 2011 the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. At the time of the scoping session, the Draft EIR was expected to address the potential environmental effects for Aesthetics, Air Quality, Hazards and Hazardous Materials, Noise, and Transportation and Circulation. The public comment period on the NOP ended on June 16, 2011.

6. A Draft EIR (DEIR) was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the DEIR was published on October 26, 2012. The Notice of Availability/Notice of Release of the DEIR was distributed to appropriate state and local agencies, posted at the Project site, mailed to property owners within 300' of the Project site, and mailed to individuals who have requested to specifically be notified of official City actions on the Project. Copies of the DEIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the office of the Department of Planning and Building (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. A duly noticed Public Hearing on the DEIR was held at the December 5, 2012 meeting of the Planning Commission. The DEIR was properly circulated for a 45-day public review period ending on December 10, 2012.
7. The City received written and oral comments on the DEIR. The City prepared responses to comments on environmental issues and made changes to the DEIR. The responses to comments, changes to the DEIR, and additional information were published in a Response To Comment Document/Final EIR (FEIR) on/before July 5, 2013. The DEIR, the FEIR and all appendices thereto constitute the "EIR" referenced in these findings. The FEIR was made available for public review on/before July 5, 2013, more than 10 days prior to the duly noticed July 17, 2013 Planning Commission public hearing. On June 28, 2013, the Notice of Availability/Notice of Release of the FEIR was distributed to those state and local agencies who commented on the DEIR, posted on the Project site, mailed to property owners within 300' of the Project site, and mailed to individuals who have requested to specifically be notified of official City actions on the Project. Copies of the DEIR and FEIR were also distributed to those state and local agencies who commented on the NOP and DEIR, City officials including the Planning Commission, and made available for public review at the office of the Department of Planning and Building (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the DEIR have been published and made available to all commenting agencies at least 10 days prior to the public hearing. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:
 - a. The EIR and all documents referenced in or relied upon by the EIR.
 - b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.
 - c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission.
 - d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
 - e. All final applications, letters, testimony and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.

- f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
 - g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
 - h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.
 - i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).
9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Department of Planning and Building or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

- 10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.
- 11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.
- 12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the July 17, 2013 Planning Commission staff report. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

- 13. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the FEIR and all of this information. The FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the Project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was

deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the July 17, 2013 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA. No mitigation measures are required for the Project.
16. The standard conditions of approval (SCA) set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval.
17. The Planning Commission will adopt and impose the feasible standard conditions of approval as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.
18. The standard conditions of approval incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts and standard conditions of approval that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.
21. As a separate and independent basis from the other CEQA findings, the Planning Commission finds and determines that the Project qualifies for CEQA streamlining pursuant to Public Resources Code section 21083.3 and Guidelines section 15183 (Projects consistent with Community Plans, General Plans and Zoning) and/or Public Resources Code sections 21094.5 and 21094.5.5 and Guidelines section 15183.3 (Streamlining For Infill Development), for the reasons detailed in the EIR and hereby incorporated by reference as if fully set forth herein, and as summarized below: (a) the Project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998 and the Housing Element, for which an EIR was certified in December 2010; (b) feasible mitigation measures identified in the LUTE and Housing Element EIRs were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the Project and/or Project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts for this Project (as detailed below and in the EIR); (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate Project and cumulative impacts; (f) the Project qualifies as an "Infill Project"; (g) the Project does not cause any new specific effects or more significant effects from that studied in the LUTE and Housing element EIRs; and (h) in instances where new specific effects occur, SCAs would substantially mitigate the potential impacts.

IX. NO IMPACT

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the Planning Commission finds that there are no significant impacts on the following environmental factors; agricultural resources, biological resources, land use, mineral resources, population and housing, public services, and recreation. These environmental factors were determined to have no impacts and therefore, were scoped out through the Notice of Preparation, Initial Study and scoping session for the DEIR. These reasons are summarized below and detailed in the Initial Study, hereby incorporated by reference as if fully set forth herein.
 - a. The proposed Project would be located in an urban area and there are no agricultural or farmland uses within or adjacent to the Project site. Therefore the proposed Project would have no impact on agricultural resources.
 - b. The proposed Project site is a vacant infill site that has been previously developed and is located in an urban area. The site is flat and consists of mostly dirt and weeds. There are no biological resources on the site including: sensitive species, riparian habitat or other sensitive natural

community, or protected wetlands. The site is not included in any habitat conservation plan or natural community conservation plan. The proposed Project would not substantially interfere with the movement of 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. There are no protected trees or creeks on the site and the proposed Project would not conflict with either the City of Oakland Tree Preservation Ordinance or the City of Oakland Creek Protection Ordinance.

- c. The proposed Project would not divide the existing community or result in a conflict with surrounding land uses as the site is an infill site that has been previously developed. The proposed Project would not conflict with applicable land use policies or regulations. Per the staff report, and the Conditional Use Permit and Variance findings, the uses are consistent with many land use policies and objectives. The proposed Project site is not located within a habitat conservation plan or natural community conservation plan and would therefore have no impact.
- d. The proposed Project site has no known mineral resources. The proposed Project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor will it deplete any nonrenewable natural resources. Therefore, the proposed Project would not impact mineral resources.
- e. The proposed Project would incrementally impact the population by adding an additional 115 senior residential units. However, the units proposed are consistent with the General Plan and zoning designations of this area and consistent with the policies of the City of Oakland General Plan Land Use and Transportation and Housing Elements. Therefore, the impact would be less than significant. The proposed Project site is vacant and therefore no displacement of existing housing or people would occur as a result of the Project.
- f. The proposed Project site is located within a developed area of Oakland already served by public services. The increased population attributable to this proposed development would result in an incremental increase in the demand for emergency medical, fire, and police response. The proposed Project would not require new or physically altered facilities to ensure the provision of these services. As a senior housing development, the proposed Project would not result in any impacts to schools.
- g. Although open space is provided on site, the proposed Project may result in the use by residents of parks and senior centers in the surrounding area. However, this increase in use is not expected to result in physical deterioration of these facilities, or to require the construction or expansion of recreational facilities.

X. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

- 23. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially all significant effects on the environment.
- 24. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval, referenced in the Initial Study and the EIR (which are an integral part of the SCAMMRP):

25. Aesthetics: The Project will result in aesthetic changes with regard to views of the Project site, new lighting, new landscaping, installation of public improvements, and tree protection during construction. However, the Project, as designed, and with conformance with the Standard Conditions of Approval will result in a less than significant level of impact to aesthetics.

With regard to views of the site, visual building form, and visual quality, although larger in scale than the majority of existing development in the area, the design of the proposed building will be compatible with the surrounding neighborhood pursuant to the design review findings.

The Project would not result in a significant impact (either on a project or cumulative basis) on the scenic highway designation of the MacArthur Freeway as the character of existing views would remain relatively unchanged. Specifically, the landscaping, distant views of the hills, and views of the commercial and residential palette would remain essentially unchanged. In addition, the removal of the existing billboard and blighted conditions on the site would be an aesthetic benefit provided by the Project.

Any potential impact of new lighting due to the Project will be reduced to a less than significant level through implementation of IS SCA AES-1 which requires approval of plans to adequately shield lighting to prevent glare onto adjacent properties.

New landscaping installed as part of the Project will conform to all the applicable requirements of EIR SCA AES-1, EIR SCA AES-2, EIR SCA AES-3, EIR SCA AES-4, and EIR SCA AES-5.

Public improvements and utilities for the Project shall be installed per the requirements of EIR SCA AES-6 and EIR SCA AES-7.

Trees adjacent to the Project site will be protected during construction per the requirements of EIR SCA AES-8.

26. Air Quality and Greenhouse Gas Emissions: As detailed in the EIR, the Project would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions, during construction. Project-related construction activities would include site preparation, earthmoving, and general construction activities. However, control of dust and equipment emissions (EIR SCA AIR-1) will result in a less than significant impact. In addition, the Project shall incorporate measures to reduce the exposure to toxic air contaminants including particulate matter and gaseous emissions (EIR SCA AIR-2 and EIR SCA AIR-3). With implementation of these SCAs, the Project would not violate any air quality standard, contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, or substantially increase diesel emissions. Moreover, as a separate and independent basis, any air contaminants generated from the nearby freeway are not considered to be CEQA impacts caused by the Project.
27. Cultural Resources: The Project site has been previously developed and it is unlikely that it contains significant cultural resources. However, significant impacts to archaeological, paleontological, and human remains could result if the proposed Project were to be constructed in a manner that was not sensitive to the potential encounter of these resources during construction, as noted in the Initial Study (Section V). Any such impact would be reduced to less than significant levels, through application of measures included in IS SCA CULT-1, IS SCA CULT-2, and IS SCA CULT-3. The Project site is vacant and does not contain any historic resources and, therefore, the Project would not result in a significant impact to historic resources.

28. Geology and Soils: Development of the proposed Project could expose people or structures to seismic hazards such as groundshaking or liquefaction, could subject people to geologic hazards including expansive soils, subsidence, seismically induced settlement and differential settlement, or could result in erosion, as noted in the Initial Study (Section VI). These impacts will be reduced to less than significant levels through the implementation of IS SCA GEO-1 and IS SCA GEO-3, which require that a soils report and geotechnical investigation be prepared and recommendations implemented. In addition, the Project applicant shall obtain a grading permit if required that includes an erosion and sedimentation control plan (IS SCA GEO-2). Moreover, compliance with other regulatory requirements, including compliance with all applicable building codes, would ensure there would not be significant adverse geology and soils impacts.
29. Hazards and Hazardous Materials: As discussed in the EIR, the site has been included on the Cortese List because of hazardous materials contamination of the soil and groundwater due to previous uses on the site. However, preparation and implementation of a hazardous materials business plan (IS SCA HAZ-1); hazards best management practices (EIR SCA HAZ-1); site review by the Fire Services Division (EIR SCA HAZ-2); Phase I and/or Phase II reports and implementation of any recommendations from such (EIR SCA HAZ-3); environmental site assessment reports remediation (EIR SCA HAZ-4); best management practices for soil and groundwater hazards (EIR SCA HAZ-5); and radon or vapor intrusion from soil or groundwater sources (EIR SCA HAZ-6) would result in less than significant impacts. Moreover, compliance with other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts. Additionally, as a separate and independent basis, any existing pollutants on/near the Project site are not considered to be CEQA impacts caused by the Project; indeed, the Project will remediate the existing on-site contamination.

In addition, the Project site is not located within the vicinity of an airport or in a wildlands area. The proposed Project would not significantly interfere with emergency response plans or evacuation plans.

30. Hydrology and Water Quality: The proposed Project could result in erosion, siltation, stormwater runoff, and other water quality impacts during project construction and operation as noted in the Initial Study (Section VIII). Implementation of IS SCA HWQ-1, IS SCA HWQ-2, and IS SWA HWQ-3 would result in less than significant impacts on hydrology and water quality. These Standard Conditions require the preparation of an erosion and sedimentation control plan; preparation of a post-construction stormwater pollution management plan, and implementation of a stormwater treatment measures maintenance agreement. Moreover, compliance with other regulatory requirements would ensure there would not be significant adverse hydrology and water quality impacts.
31. Noise: Project construction and operation would potentially increase noise levels as noted in the EIR. These impacts will be reduced to less than significant levels through the implementation of Standard Conditions of Approval, which require practices and procedures to reduce noise generation during construction and project operational noise on the surrounding area. Specifically, compliance with EIR SCA NOISE-1, EIR SCA NOISE-2, EIR SCA NOISE-3, and EIR SCA NOISE-5 would limit hours and days of construction, require a site-specific noise reduction program, require noise complaint procedures, and attenuate pile-driving and other extreme noise generators. These Standard Conditions of Approval would reduce the impacts of construction noise to less than significant levels. In addition, interior noise levels and noise generated from project operation will be abated through compliance with EIR SCA NOISE-4 and EIR SCA NOISE-6 to less-than-significant levels. Moreover, compliance with various policies and goals contained in the City's general plan and other regulatory requirements would ensure there would not be significant adverse noise and vibration impacts.

32. Traffic and Transportation: As detailed in the EIR, the project would generate 30 AM peak hour trips and 31 PM peak hour trips. Traffic generated by the proposed Project would not be considered a significant impact under City standards. EIR SCA TRANS-1 requires implementation of a Transportation Demand Management (TDM) Plan to reduce on-site parking demand and single occupancy vehicle travel, and EIR SCA TRANS-2 requires preparation of a construction traffic and parking management plan.

In addition, there are recommended improvements to address trip reductions and safety. Recommendation TRANS-1 would consider the provision of shuttle service as a strategy to be included in the TDM Plan, but lack of shuttle service will not increase any already identified less than significant impacts. Recommendation TRANS-2 would limit entry into the loading zone to a right turn in only and limit exit from the loading zone to a right turn out only (excluding any maneuvering required to back in/out of the loading zone) and restrict deliveries during peak commute periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) and employ the use of flaggers as necessary to ensure safe maneuvering into the loading zone. Recommendation TRANS-3 would limit entry into the garage to a right turn only and limit exit from the garage to a right turn out only. Implementation of these SCAs and recommendations would reduce the traffic and transportation impacts of the Project to less than significant levels.

33. Utilities and Service Systems: It is unlikely that the proposed Project would result in substantial new or expanded stormwater infrastructure on-site, water demand, or demand for solid waste collection based on the scope of the Project and as noted in the Initial Study (Section XVI). However, the Project applicant shall implement IS SCA UTIL-1 regarding capacity of the stormwater and sanitary sewer infrastructure, and IS SCA UTIL-2 regarding preparation of a waste reduction and recycling plan. These SCAs would reduce potential impacts to less than significant levels. Moreover, compliance with other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

The Project would increase energy consumption at the site, but not warrant the construction or expansion of new facilities. The Project will be required to meet current state and local codes and standards concerning energy consumption, particularly Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process. Therefore, the Project would have a less than significant impact on energy consumption.

XI. SIGNIFICANT AND UNAVOIDABLE IMPACTS

34. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that there are **NO** significant and unavoidable impacts.

XII. FINDINGS REGARDING ALTERNATIVES

35. The Planning Commission finds that because there are no significant unavoidable impacts, alternatives need not be rejected as infeasible. Nevertheless, in the interest of being conservative and providing information to the public and decision-makers, the Planning Commission finds that there are specific economic, social, environmental, technological, legal or other considerations that make infeasible the alternatives to the Project described in the EIR for the reasons stated below.
36. The EIR evaluated a reasonable range of alternatives to the Project that was described in the DEIR. The three potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of

potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include: Alternative 1: the No Project/No Build Alternative, Alternative 2: Reduced Development/Mitigated Alternative, and Alternative 3: Commercial Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed Project. After the No Project Alternative (1), Alternative 2: Reduced Development/Mitigated Alternative was identified as the environmentally superior development alternative.

37. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the Project sponsor's objectives and the City's goals and objectives. The three alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below 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.
38. Alternative 1: No Project / No Build Alternative: The No Project/No Build Alternative assumes that the Project site would remain in its current condition and would not be subject to development.. The site would be fenced off, the billboard would remain, hazardous materials clean-up may not occur and the remainder of the site would be vacant and undeveloped. No new structures would be developed, so no new vehicle trips would be generated at the adjacent intersection and no noise from building construction would occur.

The No Project/No Build Alternative would not result in any of the less than significant impacts identified for the Project in the Initial Study or the EIR. No new construction would occur under the No Project/No Build Alternative; therefore, there would not be any incremental increase in traffic at the intersection of High Street and MacArthur Boulevard. Additionally the less-than-significant impacts identified relative to aesthetics, air quality and green-house gas (GHG) emissions, hazards and hazardous materials, and noise would not occur.

The No Project/No Build Alternative is rejected as infeasible because (a) it would not achieve any of the objectives sought by the Project; (b) it would not facilitate the construction of housing units (General Plan policy objective N3.1); (c) it would make it more difficult for the City to meet its Regional Housing Needs Allocation (RHNA); (d) it would not encourage infill development (General Plan policy objective N3.2); (e) it would not provide construction and permanent jobs; (f) it would not provide increased tax revenue; and/or (g) it would not promote or achieve many of the goals, objectives, and actions of the City's Land Use and Transportation General Plan Element.

39. Alternative 2: Reduced Development/Mitigated Alternative: The Reduced Development/Mitigated Alternative assumes that the Project site would be developed with 29 less residential units and one less building floor, for a total of 86 senior housing units within a 3-story building and 3,446 square feet of commercial space.

Implementation of this alternative would result in impacts similar to the proposed Project for all of the environmental topics found to be less than significant and focused out of the EIR in the Initial Study, although the effects would be incrementally less.

Like the proposed Project, the Reduced Development/Mitigated Alternative would be subject to Standard Conditions of Approval and would result in less-than-significant aesthetic impacts; however, the overall

building scale and massing of the building would be less than the proposed Project because the building would be one floor less in overall height. Like the proposed Project, this alternative would be visible from the MacArthur Freeway, a scenic highway. Under this alternative the building would be one less story in height, so less of it would be visible to freeway motorists. The existing bill-board would be removed and the existing vacant lot would be developed with a new mixed-use structure. Changes to the scenic character of the site would be modified from their current condition, as is the case with the proposed Project. This alternative would result in essentially the same less-than significant aesthetic impacts as the Project, although the reduced building height would slightly reduce the level of the less-than-significant impact.

The Reduced Development/Mitigated Alternative would result in the same less-than-significant impacts, although slightly reduced, identified for the proposed Project related to air quality and GHG emissions, hazard and hazardous materials and noise.

Traffic trips expected to be generated by this alternative would be less than the proposed Project because it involves less development. Even though the trips would be reduced, like the proposed Project, this alternative would result in the same LOS calculations as the proposed Project and no significant impacts would result.

This alternative is rejected as infeasible because (a) it would not facilitate the construction of as many housing units (General Plan policy objective N3.1); (b) it would make it more difficult for the City to meet its Regional Housing Needs Allocation (RHNA); (c) it would not be as encouraging for infill development (General Plan policy objective N3.2); (d) it would not provide as many construction and permanent jobs; (e) it would not provide as much tax revenue; (f) it would not reduce any significant impacts and/or (g) it would not be an economically feasible project to construct and operate because the fixed costs associated with development will be spread over 29 (25%) less housing units.

40. Alternative 3: Commercial Alternative: The Commercial Alternative assumes the Project site is developed with a single-story commercial building. Based on the current zoning provisions for building height, setbacks, and parking, this alternative assumed the Project site is developed with a 6,000 square-foot building, which is the maximum size that could be accommodated without triggering more significant traffic impacts. For purposes of this analysis it is assumed that the building would be occupied by multiple commercial tenants and the required parking would be provided in a surface parking lot.

Implementation of this alternative would result in impacts similar to the proposed Project for all of the environmental topics found to be less than significant and focused out of the EIR in the Initial Study, although the effects would be incrementally less.

Like the proposed Project, the Commercial Alternative would be subject to Standard Conditions of Approval and Design Review and would result in less-than-significant aesthetic impacts similar to the proposed Project as it assumes the design would be of high quality and would not substantially degrade the character of the area or significantly impact public views. However, given the proposed height would be reduced from five stories to one story the overall building scale and massing of the building would be much smaller than the proposed Project. The majority of the building would not likely be visible from the MacArthur Freeway. As a result it would further reduce the Project's already less-than-significant impacts on scenic vistas and the scenic highway, MacArthur Freeway.

This alternative would involve a lower profile structure on the Project site, which is consistent with the current fabric of the neighborhood. However, like the proposed Project, the structure would be new and would change the character of the existing vacant and undeveloped site. Like the proposed Project, this alternative would result in less-than-significant adverse aesthetic impacts.

The Commercial Alternative would also result in similar less-than-significant impacts to hazards and hazardous materials and noise; the implementation of the City's Standard Conditions of Approval would reduce potential significant impacts.

The Commercial Alternative would potentially have fewer air quality and GHG impacts than the proposed Project because this alternative involves less building material, less construction time and equipment, and less overall building area. As a result, this alternative would likely result in fewer GHG emissions during construction and during operations.

The Commercial Alternative would result in the same trip generation as the proposed Project. Under this alternative, the 6,000 square foot multi-tenant commercial building would result in 23 AM Peak hour trips and 35 PM Peak hour trips. As a result the Commercial Alternative would not result in more significant transportation and traffic impacts than the proposed Project.

The Commercial Alternative would result in the same less-than-significant impacts identified for the proposed Project related to hazards and hazardous materials and noise; incrementally less air quality and GHG emissions and less-than-significant aesthetic impacts; and would result in the same transportation and circulation impacts (intersection operation at High and MacArthur).

This alternative is rejected as infeasible because (a) it would not achieve the basic Project objectives; (b) it would not facilitate the construction of any housing units (General Plan policy objective N3.1); (c) it would make it more difficult for the City to meet its Regional Housing Needs Allocation (RHNA); (d) it would not be as encouraging for infill development because it would be an underutilization of the site (General Plan policy objective N3.2); (e) it would not provide as many construction jobs; (f) it would not reduce any significant impacts; (g) it would not achieve many of the beneficial urban design and character effects that would be achieved by the proposed Project, such as providing a high quality design at a prominent street corner, as well as a mix of uses; and/or (h) it would entail a surface parking lot rather than parking incorporated inside the building, which would screen the parking from public view and would allow the building to provide an active street edge.

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

41. The Planning Commission finds that no Statement of Overriding Considerations is necessary since there are no significant unavoidable impacts.



16633 Ventura Blvd., Suite 1014
Encino, California 91436

Land Planning, Finance & Development

Tel. 818-380-2600

Fax. 818-380-2603

High Street Proforma Narrative, 86 Senior Housing Units , Oakland, CA

July 2, 2013

Attached please find a proforma for an 86 unit senior housing project on the subject site located on High Street in Oakland, CA (the "Project").

Under the most current financial market conditions, the most likely and feasible method to develop the Project will be through the use of Federal tax credit equity. Without the use of tax credit equity, there would be no other form of equity available as the yield expectations for non tax credit equity exceed the yield produced on the Project. As such, we have analyzed the most likely form of project financing, which is through the use of tax credits.

The attached proforma demonstrates that that even if we were to value the land at a zero dollars and received an allocation of tax credits, the net operating income from the project does not justify an equity investment from the common equity investment marketplace. In this case the "common equity" is also called the "gap" as the applicant must close the gap (raise the funds) in order to develop the project. The attached proforma demonstrates that there is a "gap" in funds in the amount of approximately \$1,848,567, this is the amount needed to have the cash sources to build the project.

Part of the reason for a "gap" is due to the fact that the project does not have enough units (and income) to spread the fixed costs to a lower level; the higher the number of units, the lower the fixed costs are per unit. Fixed costs per unit are calculated by dividing the fixed costs (as defined below) by the number of units. "Fixed Costs" are incurred both during construction and post construction during operations. These costs include, but are not limited to architecture, engineering, finance costs, legal fees, city fees, construction management and profit, and many other fees. Once the project is placed in service, the costs include but are not limited to onsite maintenance, services, special assessments, management fees, landscaping, and many other costs.

If the applicant were to develop more units, the rental income from the project will increase without having an increase in the fixed costs, and therefore the project would have more "net operating income" ("NOI") and "cash flow" to incentivize "cash equity investors" to invest money to "close the gap". Equity investors expect to be compensated for their investment and developers of every product type (retail, office buildings, industrial buildings, and other real estate product types) are competing for these equity funds. Additionally, if the project had more NOI from more units, the developer could borrow more funds to build the project, thus reducing the gap and equity required.

As you will see on the cash flow page of the proforma, there is zero cash flow for a minimum of the first 10 years after the project is placed in service. Note that the attached proforma assumes that the land is valued at zero, which reduces the gap (The more you reduce project costs the more you reduce the gap). The reason that we have structured the proforma in this manner is to make the best attempt to make the project feasible by asking the land owner to "donate the land" to make the project feasible; but as you can see, even with the land being donated, there is a gap which receives a yield of zero for the first 10 years, making the project impossible to finance. Not having the land valued at zero would make the project even less feasible.

ATTACHMENT D

Oakland Senior

A 86-Unit Senior Housing Alternative
Oakland, CA

Financial Pro Forma

July 2, 2013

DEVELOPMENT BUDGET

Oakland Senior

Oakland, CA

	Project Costs	Cost Per Unit	Cost Per Res. Sq. Ft.	Tax Credit Eligible Basis
Total Land Costs (Donation)	\$ -	\$ -	\$ -	XXXXXXXXXX
Total Acquisition Costs	\$ 150,000	\$ 1,744	\$ 2.57	\$ 150,000
New Construction and/or Rehabilitation				
Off-Site Work	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -
Parking Deck	\$ 1,500,000	\$ 17,442	\$ 25.74	\$ 1,500,000
Structures	\$ 8,741,100	\$ 101,641	\$ 150.00	\$ 8,741,100
General Requirements	\$ 1,223,754	\$ 14,230	\$ 21.00	\$ 1,223,754
Contractor Overhead	\$ -	\$ -	\$ -	\$ -
Contractor Profit	\$ -	\$ -	\$ -	\$ -
Construction Contingency	\$ -	\$ -	\$ -	\$ -
Total Construction Costs	\$ 11,464,854	\$ 133,312	\$ 196.74	\$ 11,464,854
Financing Costs				
Construction Loan Interest	\$ 530,000	\$ 6,163	\$ 9.09	\$ 486,000
Construction Loan Fee	\$ 100,000	\$ 1,163	\$ 1.72	\$ 100,000
Construction Lender Costs (Legal, Etc.)	\$ 20,000	\$ 233	\$ 0.34	\$ 20,000
Bond Issuer & Trustee Fees	\$ 50,000	\$ 581	\$ 0.86	\$ 50,000
Permanent Loan Fees	\$ 22,000	\$ 256	\$ 0.38	XXXXXXXXXX
Permanent Loan Costs	\$ 25,000	\$ 291	\$ 0.43	XXXXXXXXXX
Tax Credit Fees	\$ 42,373	\$ 493	\$ 0.73	XXXXXXXXXX
Bond Counsel	\$ 50,000	\$ 581	\$ 0.86	XXXXXXXXXX
Financial Advisor	\$ 25,000	\$ 291	\$ 0.43	XXXXXXXXXX
Total Financing Costs	\$ 864,373	\$ 10,051	\$ 14.83	\$ 656,000
Soft Costs				
Architectural	\$ 325,000	\$ 3,779	\$ 5.58	\$ 325,000
Engineering/Surveying/Environmental	\$ 160,000	\$ 1,860	\$ 2.75	\$ 160,000
Taxes During Construction	\$ 10,000	\$ 116	\$ 0.17	\$ 10,000
Insurance	\$ 286,600	\$ 3,333	\$ 4.92	\$ 286,600
Title & Recording	\$ 40,000	\$ 465	\$ 0.69	\$ 40,000
Borrower Attorney	\$ 40,000	\$ 465	\$ 0.69	\$ 40,000
Appraisal	\$ 10,000	\$ 116	\$ 0.17	\$ 10,000
Local Tap, Building Permit, & Impact Fees	\$ 602,000	\$ 7,000	\$ 10.33	\$ 602,000
Marketing	\$ 86,658	\$ 1,008	\$ 1.49	XXXXXXXXXX
Relocation Costs	\$ -	\$ -	\$ -	XXXXXXXXXX
Furnishings	\$ 50,000	\$ 581	\$ 0.86	\$ 50,000
Cost Certification	\$ 10,000	\$ 116	\$ 0.17	\$ 10,000
Market Study	\$ 10,000	\$ 116	\$ 0.17	\$ 10,000
Soft Cost Contingency	\$ 100,000	\$ 1,163	\$ 1.72	\$ 100,000
Developer Overhead & Profit	\$ 2,064,668	\$ 24,008	\$ 35.43	\$ 2,064,668
Consultant Fee	\$ -	\$ -	\$ -	\$ -
Total Soft Costs	\$ 3,794,926	\$ 44,127	\$ 65.12	\$ 3,708,268
Reserves				
Rent Reserve	\$ -	\$ -	\$ -	XXXXXXXXXX
Operating Reserve	\$ 222,318	\$ 2,585	\$ 3.82	XXXXXXXXXX
Total Reserve Costs	\$ 222,318	\$ 2,585	\$ 3.82	XXXXXXXXXX
Totals	\$ 16,496,471	\$ 191,819	\$ 283.08	\$ 15,979,122

SOURCES & USES**Oakland Senior
Oakland, CA****CONSTRUCTION PHASE****Sources of Funds**

Tax Credit Financing	\$ 1,012,336
Other	\$ -
Other	\$ -
Other	\$ -
Gap in Funds / Equity	\$ 554,570
Other	\$ -
Deferred Costs	\$ 222,318
Deferred Contractor Profit	\$ -
Deferred Developer Fee	\$ 2,064,668
Construction Loan	\$ 12,642,579
Total Sources of Funds	\$ 16,496,471

Uses of Funds

Total Land Costs (Donation)	\$ -
Total Acquisition Costs	\$ 150,000
New Construction and/or Rehabilitation	\$ 11,464,854
Construction Contingency	\$ -
Financing Costs	\$ 864,373
Architecture & Engineering	\$ 485,000
Other Soft Costs	\$ 1,145,258
Developer Fees	\$ 2,064,668
Soft Cost Contingency	\$ 100,000
Reserves	\$ 222,318
Total Uses of Funds	\$ 16,496,471

PERMANENT PHASE**Sources of Funds**

Total Tax Credit Financing	\$ 5,061,681
Permanent Loan	\$ 7,516,963
Other	\$ -
Other	\$ -
Other	\$ -
Gap in Funds / Equity	\$ 1,848,567
Other	\$ -
Other	\$ -
Other	\$ -
Deferred Developer Fee	\$ 2,064,668
Total Sources of Funds	\$ 16,491,879

Uses of Funds

Total Land Costs (Donation)	\$ -
Total Acquisition Costs	\$ 150,000
New Construction and/or Rehabilitation	\$ 11,464,854
Construction Contingency	\$ -
Financing Costs	\$ 864,373
Architecture & Engineering	\$ 485,000
Other Soft Costs	\$ 1,145,258
Developer Fees	\$ 2,064,668
Soft Cost Contingency	\$ 100,000
Reserves	\$ 222,318
Total Uses of Funds	\$ 16,496,471

OPERATING & LOAN DETAILS

Project: **Oakland Senior**

Location: **Oakland, CA**

6/25/2013

Type	AMI Rent Level	Number of Units	Avg. Unit Sq. Ft.	Market Rent	Utility Allowance	Net Market Rent	Monthly Totals	Annual Totals
1BR/1BA	50%	7	613	836	35	801	5,607	67,284
1BR/1BA	55%	0	0	0	0	0	0	0
1BR/1BA	60%	63	613	1,003	35	968	60,984	731,808
1BR/1BA	0%	0	0	0	0	0	0	0
2BR/1BA	50%	2	804	1,003	45	958	1,916	22,992
2BR/1BA	55%	0	0	0	0	0	0	0
2BR/1BA	60%	14	804	1,203	45	1,158	16,212	194,544
2BR/1BA	0%	0	0	0	0	0	0	0
3BR/2BA	50%	0	0	0	0	0	0	0
3BR/2BA	55%	0	0	0	0	0	0	0
3BR/2BA	60%	0	0	0	0	0	0	0
3BR/2BA	0%	0	0	0	0	0	0	0
4BR/2BA	50%	0	0	0	0	0	0	0
4BR/2BA	55%	0	0	0	0	0	0	0
4BR/2BA	60%	0	0	0	0	0	0	0
4BR/2BA	0%	0	0	0	0	0	0	0
COMMERCIAL		0	3,446	0	0	0	5,500	66,000

Total Units & Sq. Ft.	86	55,774	% of Sq. Ft.	% of Units
Communitiy Facilities		2,500	Affordable	Affordable
Total Project Sq. Ft.		58,274	100.00%	100.00%

\$ 90,219	\$ 1,082,628
-----------	--------------

Operating Deficit Guarantee	
10% of Perm.	\$ 751,696
Year 1 Op. Exp.	\$ 387,000
Guarantee	\$ 751,696

Total Annual Rental Income

\$ 1,082,628

Replacement Reserves	
Standard/Unit	\$ 300
UMR Min/Unit	\$ 600
Reserve / Unit	\$ 300

Other Income

Laundry	/Unit/Year	\$ 50	\$ 4,300
Tenant Charges & Interest	/Unit/Year	\$ 50	\$ 4,300

Total Annual Other Income

\$ 8,600

Total Annual Potential Gross Income

\$ 1,091,228

Vacancy & Collection Loss

7%

\$ (76,386)

Annual Effective Gross Income

\$ 1,014,842

Project Unit Mix		
Unit Type	Number	% of Total
1 Bdrm./1 Bath.	70	81.40%
2 Bdrm./1 Bath.	16	18.60%
3 Bdrm./2 Bath.	0	0.00%
4 Bdrm./2 Bath.	0	0.00%
Totals	86	100.00%

OPERATING & LOAN DETAILS (continued)

Project: Oakland Senior**Location: Oakland, CA****6/25/2013****ANNUAL EXPENSES**

Real Estate Taxes & Special Assessments
State Taxes
Insurance
Licenses
Fuel & Gas
Electricity
Water & Sewer
Trash Removal
Pest Control
Building & Maintenance Repairs
Building & Maintenance Supplies
Supportive Services
Annual Issuer & Trustee Fees
Gardening & Landscaping
Management Fee
On-Site Manager(s)
Other Payroll
Manager's Unit Expense
Cleaning Supplies
Benefits
Payroll Taxes & Work Comp
Advertising
Telephone
Legal & Accounting
Operating Reserves
Office Supplies & Expense
Miscellaneous Administrative
Replacement Reserves

% of Annual EGI	% of Total Operating Exp.	Per Unit	Total
0.34%	0.90%	\$ 41.00	\$ 3,500
0.08%	0.21%	\$ 9.00	\$ 800
1.69%	4.44%	\$ 200.00	\$ 17,200
0.03%	0.09%	\$ 4.00	\$ 350
0.09%	0.25%	\$ 11.00	\$ 900
0.76%	2.00%	\$ 90.00	\$ 7,700
4.57%	12.00%	\$ 540.00	\$ 46,400
1.34%	3.50%	\$ 158.00	\$ 13,600
0.14%	0.36%	\$ 16.00	\$ 1,400
4.57%	12.00%	\$ 540.00	\$ 46,400
2.29%	6.00%	\$ 270.00	\$ 23,200
1.18%	3.10%	\$ 140.00	\$ 12,000
0.00%	0.00%	\$ -	\$ -
3.05%	8.00%	\$ 360.00	\$ 31,000
6.00%	15.61%	\$ 702.00	\$ 60,400
4.07%	10.67%	\$ 480.00	\$ 41,280
0.76%	2.00%	\$ 90.00	\$ 7,700
6.05%	15.86%	\$ 714.00	\$ 61,380
0.38%	1.00%	\$ 45.00	\$ 3,900
0.20%	0.52%	\$ 23.00	\$ 2,000
2.50%	6.56%	\$ 295.00	\$ 25,400
0.38%	1.00%	\$ 45.00	\$ 3,900
0.15%	0.39%	\$ 18.00	\$ 1,500
0.59%	1.55%	\$ 70.00	\$ 6,000
0.00%	0.00%	\$ -	\$ -
0.15%	0.39%	\$ 18.00	\$ 1,500
-5.74%	-15.07%	\$ (679.00)	\$ (58,210)
2.54%	6.67%	\$ 300.00	\$ 25,800

Annual Expenses - Per Unit & Total**\$ 4,500 \$ 387,000****Annual Net Operating Income - Per Unit & Total****\$ 7,300 \$ 627,842**

**Oakland Senior
Multi-Year Stabilized Operating Pro-Forma**

Oakland, CA

RENTAL INCOME	% AMI	Net Rent / Unit - Year 1	No. of Units	Annual Increase	Year 1	Year 2	Year 3
1BR/1BA	50%	801	7	2.5%	67,284	68,966	70,690
1BR/1BA	55%	0	0	2.5%	-	-	-
1BR/1BA	60%	968	63	2.5%	731,808	750,103	768,856
1BR/1BA	0%	0	0	2.5%	-	-	-
2BR/1BA	50%	958	2	2.5%	22,992	23,567	24,156
2BR/1BA	55%	0	0	2.5%	-	-	-
2BR/1BA	60%	1,158	14	2.5%	194,544	199,408	204,393
2BR/1BA	0%	0	0	2.5%	-	-	-
3BR/2BA	50%	0	0	2.5%	-	-	-
3BR/2BA	55%	0	0	2.5%	-	-	-
3BR/2BA	60%	0	0	2.5%	-	-	-
3BR/2BA	0%	0	0	2.5%	-	-	-
4BR/2BA	50%	0	0	2.5%	-	-	-
4BR/2BA	55%	0	0	2.5%	-	-	-
4BR/2BA	60%	0	0	2.5%	-	-	-
4BR/2BA	0%	0	0	2.5%	-	-	-
COMMERCIAL	0%	0	0	2.5%	-	-	-
TOTAL RENTAL INCOME			86		1,016,628	1,042,044	1,068,095
OTHER INCOME			Units	Incr./Yr.	Year-1	Year-2	Year-3
Laundry			86	2.5%	4,300	4,408	4,518
Tenant Charges & Interest			86	2.5%	4,300	4,408	4,518
TOTAL OTHER INCOME					8,600	8,815	9,035
TOTAL INCOME					1,025,228	1,050,859	1,077,130
Less Vacancy Allowance				7%	(71,766)	(73,560)	(75,399)
GROSS INCOME					953,462	977,299	1,001,731
OPERATING EXPENSES		Per Unit - Yr. 1	%EGI	Incr./Yr.	Year-1	Year-2	Year-3
Advertising	\$	45	0.4%	3.5%	3,900	4,037	4,178
Legal	\$	23	0.2%	3.5%	2,000	2,070	2,142
Accounting/Audit	\$	47	0.4%	3.5%	4,000	4,140	4,285
Security	\$	-	0.0%	3.5%	-	-	-
Other: Telephone, Office Expense, Misc.	\$	(642)	-5.8%	3.5%	(55,210)	(57,142)	(59,142)
Management Fee	\$	702	6.3%	3.5%	60,400	62,514	64,702
Fuel	\$	2	0.0%	3.5%	200	207	214
Gas	\$	8	0.1%	3.5%	700	725	750
Electricity	\$	90	0.8%	3.5%	7,700	7,970	8,248
Water/Sewer	\$	540	4.9%	3.5%	46,400	48,024	49,705
On-Site Manager	\$	480	4.3%	3.5%	41,280	42,725	44,220
Maintenance Personnel	\$	90	0.8%	3.5%	7,700	7,970	8,248
Other: Payroll Taxes, Work Comp, Benefits	\$	319	2.9%	3.5%	27,400	28,359	29,352
Insurance	\$	200	1.8%	3.5%	17,200	17,802	18,425
Painting	\$	50	0.5%	3.5%	4,300	4,451	4,606
Repairs	\$	490	4.4%	3.5%	42,100	43,574	45,099
Trash Removal	\$	158	1.4%	3.5%	13,600	14,076	14,569
Exterminating	\$	16	0.1%	3.5%	1,400	1,449	1,500
Grounds	\$	360	3.3%	3.5%	31,000	32,085	33,208
Elevator	\$	-	0.0%	3.5%	-	-	-
Other: Cleaning & Building Supplies	\$	315	2.8%	3.5%	27,100	28,049	29,030
Other: Licenses	\$	4	0.0%	3.5%	350	362	375
Other: State Tax	\$	9	0.1%	3.5%	800	828	857
Other:	\$	-	0.0%	3.5%	-	-	-
Other:	\$	-	0.0%	3.5%	-	-	-
Other:	\$	-	0.0%	3.5%	-	-	-
TOTAL OPERATING EXPENSES	\$	3,306			284,320	294,271	304,571
Internet Expense	\$	-	0.0%	3.5%	-	-	-
Service Amenities	\$	140	1.3%	3.5%	12,000	12,420	12,855
Reserve for Replacement	\$	300	2.7%	0.0%	25,800	25,800	25,800
Real Estate Taxes	\$	41	0.4%	2.0%	3,500	3,570	3,641
TOTAL EXPENSES, TAXES & RESERVES	\$	3,786			325,620	336,061	346,867
CASH FLOW AVAILABLE FOR DEBT SERVICE					627,842	641,238	654,864
DEBT SERVICE & OTHER DISTRIBUTIONS		Loan Amount			Year-1	Year-2	Year-3
Permanent Loan	Hard	\$ 7,516,963	0.052		502,274	502,274	502,274
Other	NA	\$ -			-	-	-
Asset Management Fees	Soft	\$ 13,600			13,600	13,600	13,600
Deferred Developer Fee	Soft	\$ 2,064,668			111,968	125,364	138,991
Other	Soft	\$ -			-	-	-
Other	Soft	\$ -			-	-	-
Other	Soft	\$ -			-	-	-
Equity	Soft	\$ 1,848,567			-	-	-
ANNUAL NET CASH FLOW / YEILD					-	-	-
Deferred Dev. Fee Balance	Interest Rate:	0.00%			1,952,700	1,827,336	1,688,345
Debt Service Coverage Ratio on Hard Debt					1.25	1.28	1.30

**Oakland Senior
Multi-Year Stabilized Operating Pro-Forma**

Oakland, CA

6/25/2013

RENTAL INCOME	% AMI	Net Rent / Unit - Year 1	No. of Units	Annual Increase	Year 4	Year 5	Year 6	Year 7	Year 8
1BR/1BA	50%	801	7	2.5%	72,458	74,269	76,126	78,029	79,980
1BR/1BA	55%	0	0	2.5%	-	-	-	-	-
1BR/1BA	60%	968	63	2.5%	788,077	807,779	827,974	848,673	869,890
1BR/1BA	0%	0	0	2.5%	-	-	-	-	-
2BR/1BA	50%	958	2	2.5%	24,760	25,379	26,013	26,664	27,330
2BR/1BA	55%	0	0	2.5%	-	-	-	-	-
2BR/1BA	60%	1,158	14	2.5%	209,503	214,740	220,109	225,611	231,252
2BR/1BA	0%	0	0	2.5%	-	-	-	-	-
3BR/2BA	50%	0	0	2.5%	-	-	-	-	-
3BR/2BA	55%	0	0	2.5%	-	-	-	-	-
3BR/2BA	60%	0	0	2.5%	-	-	-	-	-
3BR/2BA	0%	0	0	2.5%	-	-	-	-	-
4BR/2BA	50%	0	0	2.5%	-	-	-	-	-
4BR/2BA	55%	0	0	2.5%	-	-	-	-	-
4BR/2BA	60%	0	0	2.5%	-	-	-	-	-
4BR/2BA	0%	0	0	2.5%	-	-	-	-	-
COMMERCIAL	0%	0	0	2.5%	-	-	-	-	-
TOTAL RENTAL INCOME			86		1,094,797	1,122,167	1,150,221	1,178,977	1,208,451
OTHER INCOME			Units	Incr./Yr.	Year-4	Year-5	Year-6	Year-7	Year-8
Laundry			86	2.5%	4,631	4,746	4,865	4,987	5,111
Tenant Charges & Interest			86	2.5%	4,631	4,746	4,865	4,987	5,111
TOTAL OTHER INCOME					9,261	9,493	9,730	9,973	10,223
TOTAL INCOME					1,104,058	1,131,660	1,159,951	1,188,950	1,218,674
Less Vacancy Allowance				7%	(77,284)	(79,216)	(81,197)	(83,227)	(85,307)
GROSS INCOME					1,026,774	1,052,444	1,078,754	1,105,723	1,133,367
OPERATING EXPENSES	Per Unit - Yr. 1	%EGI	Incr./Yr.		Year-4	Year-5	Year-6	Year-7	Year-8
Advertising	\$ 45	0.4%	3.5%		4,324	4,475	4,632	4,794	4,962
Legal	\$ 23	0.2%	3.5%		2,217	2,295	2,375	2,459	2,545
Accounting/Audit	\$ 47	0.4%	3.5%		4,435	4,590	4,751	4,917	5,089
Security	\$ -	0.0%	3.5%		-	-	-	-	-
Other: Telephone, Office Expense, Misc.	\$ (642)	-5.8%	3.5%		(61,212)	(63,355)	(65,572)	(67,867)	(70,243)
Management Fee	\$ 702	6.3%	3.5%		66,967	69,310	71,736	74,247	76,846
Fuel	\$ 2	0.0%	3.5%		222	230	238	246	254
Gas	\$ 8	0.1%	3.5%		776	803	831	860	891
Electricity	\$ 90	0.8%	3.5%		8,537	8,836	9,145	9,465	9,797
Water/Sewer	\$ 540	4.9%	3.5%		51,445	53,245	55,109	57,037	59,034
On-Site Manager	\$ 480	4.3%	3.5%		45,768	47,370	49,028	50,744	52,520
Maintenance Personnel	\$ 90	0.8%	3.5%		8,537	8,836	9,145	9,465	9,797
Other: Payroll Taxes, Work Comp, Benefits	\$ 319	2.9%	3.5%		30,379	31,442	32,543	33,682	34,860
Insurance	\$ 200	1.8%	3.5%		19,070	19,737	20,428	21,143	21,883
Painting	\$ 50	0.5%	3.5%		4,767	4,934	5,107	5,286	5,471
Repairs	\$ 490	4.4%	3.5%		46,677	48,311	50,002	51,752	53,563
Trash Removal	\$ 158	1.4%	3.5%		15,079	15,606	16,153	16,718	17,303
Exterminating	\$ 16	0.1%	3.5%		1,552	1,607	1,663	1,721	1,781
Grounds	\$ 360	3.3%	3.5%		34,370	35,573	36,818	38,107	39,441
Elevator	\$ -	0.0%	3.5%		-	-	-	-	-
Other: Cleaning & Building Supplies	\$ 315	2.8%	3.5%		30,046	31,098	32,186	33,313	34,479
Other: Licenses	\$ 4	0.0%	3.5%		388	402	416	430	445
Other: State Tax	\$ 9	0.1%	3.5%		887	918	950	983	1,018
Other:	\$ -	0.0%	3.5%		-	-	-	-	-
Other:	\$ -	0.0%	3.5%		-	-	-	-	-
Other:	\$ -	0.0%	3.5%		-	-	-	-	-
TOTAL OPERATING EXPENSES	\$ 3,306				315,231	326,264	337,683	349,502	361,734
Internet Expense	\$ -	0.0%	3.5%		-	-	-	-	-
Service Amenities	\$ 140	1.3%	3.5%		13,305	13,770	14,252	14,751	15,267
Reserve for Replacement	\$ 300	2.7%	0.0%		25,800	25,800	25,800	25,800	25,800
Real Estate Taxes	\$ 41	0.4%	2.0%		3,714	3,789	3,864	3,942	4,020
TOTAL EXPENSES, TAXES & RESERVES	\$ 3,786				358,050	369,623	381,599	393,995	406,822
CASH FLOW AVAILABLE FOR DEBT SERVICE					668,725	682,821	697,155	711,729	726,545
DEBT SERVICE & OTHER DISTRIBUTIONS	Loan Amount				Year-4	Year-5	Year-6	Year-7	Year-8
Permanent Loan	Hard \$ 7,516,963	0.052			502,274	502,274	502,274	502,274	502,274
Other	NA \$ -				-	-	-	-	-
Asset Management Fees	Soft \$ 13,600				13,600	13,600	13,600	13,600	13,600
Deferred Developer Fee	Soft \$ 2,064,668				152,851	166,948	181,281	195,855	210,671
Other	Soft \$ -				-	-	-	-	-
Other	Soft \$ -				-	-	-	-	-
Other	Soft \$ -				-	-	-	-	-
Equity	Soft \$ 1,848,567				-	-	-	-	-
ANNUAL NET CASH FLOW / YEILD					-	-	-	-	-
Deferred Dev. Fee Balance	Interest Rate:	0.00%			1,535,494	1,368,546	1,187,265	991,410	780,739
Debt Service Coverage Ratio on Hard Debt					1.33	1.36	1.39	1.42	1.45

**Oakland Senior
Multi-Year Stabilized Operating Pro-Forma**

Oakland, CA

RENTAL INCOME	% AMI	Net Rent / Unit - Year 1	No. of Units	Annual Increase	Year 9	Year 10	Year 11	Year 12	Year 13
1BR/1BA	50%	801	7	2.5%	81,979	84,028	86,129	88,282	90,489
1BR/1BA	55%	0	0	2.5%	-	-	-	-	-
1BR/1BA	60%	968	63	2.5%	891,637	913,928	936,776	960,196	984,200
1BR/1BA	0%	0	0	2.5%	-	-	-	-	-
2BR/1BA	50%	958	2	2.5%	28,014	28,714	29,432	30,167	30,922
2BR/1BA	55%	0	0	2.5%	-	-	-	-	-
2BR/1BA	60%	1,158	14	2.5%	237,033	242,959	249,033	255,259	261,640
2BR/1BA	0%	0	0	2.5%	-	-	-	-	-
3BR/2BA	50%	0	0	2.5%	-	-	-	-	-
3BR/2BA	55%	0	0	2.5%	-	-	-	-	-
3BR/2BA	60%	0	0	2.5%	-	-	-	-	-
3BR/2BA	0%	0	0	2.5%	-	-	-	-	-
4BR/2BA	50%	0	0	2.5%	-	-	-	-	-
4BR/2BA	55%	0	0	2.5%	-	-	-	-	-
4BR/2BA	60%	0	0	2.5%	-	-	-	-	-
4BR/2BA	0%	0	0	2.5%	-	-	-	-	-
COMMERCIAL	0%	0	0	2.5%	-	-	-	-	-
TOTAL RENTAL INCOME			86		1,238,663	1,269,629	1,301,370	1,333,904	1,367,252
OTHER INCOME			Units	Incr./Yr.	Year-9	Year-10	Year-11	Year-12	Year-13
Laundry			86	2.5%	5,239	5,370	5,504	5,642	5,783
Tenant Charges & Interest			86	2.5%	5,239	5,370	5,504	5,642	5,783
TOTAL OTHER INCOME					10,478	10,740	11,009	11,284	11,566
TOTAL INCOME					1,249,141	1,280,369	1,312,379	1,345,188	1,378,818
Less Vacancy Allowance				7%	(87,440)	(89,626)	(91,866)	(94,163)	(96,517)
GROSS INCOME					1,161,701	1,190,743	1,220,513	1,251,025	1,282,301
OPERATING EXPENSES		Per Unit - Yr. 1	%EGI	Incr./Yr.	Year-9	Year-10	Year-11	Year-12	Year-13
Advertising	\$	45	0.4%	3.5%	5,136	5,315	5,501	5,694	5,893
Legal	\$	23	0.2%	3.5%	2,634	2,726	2,821	2,920	3,022
Accounting/Audit	\$	47	0.4%	3.5%	5,267	5,452	5,642	5,840	6,044
Security	\$	-	0.0%	3.5%	-	-	-	-	-
Other: Telephone, Office Expense, Misc.	\$	(642)	-5.8%	3.5%	(72,701)	(75,246)	(77,879)	(80,605)	(83,426)
Management Fee	\$	702	6.3%	3.5%	79,535	82,319	85,200	88,182	91,269
Fuel	\$	2	0.0%	3.5%	263	273	282	292	302
Gas	\$	8	0.1%	3.5%	922	954	987	1,022	1,058
Electricity	\$	90	0.8%	3.5%	10,139	10,494	10,862	11,242	11,635
Water/Sewer	\$	540	4.9%	3.5%	61,100	63,238	65,452	67,743	70,114
On-Site Manager	\$	480	4.3%	3.5%	54,358	56,260	58,230	60,268	62,377
Maintenance Personnel	\$	90	0.8%	3.5%	10,139	10,494	10,862	11,242	11,635
Other: Payroll Taxes, Work Comp, Benefits	\$	319	2.9%	3.5%	36,081	37,343	38,650	40,003	41,403
Insurance	\$	200	1.8%	3.5%	22,649	23,442	24,262	25,111	25,990
Painting	\$	50	0.5%	3.5%	5,662	5,860	6,066	6,278	6,498
Repairs	\$	490	4.4%	3.5%	55,438	57,378	59,386	61,465	63,616
Trash Removal	\$	158	1.4%	3.5%	17,909	18,535	19,184	19,856	20,551
Exterminating	\$	16	0.1%	3.5%	1,844	1,908	1,975	2,044	2,115
Grounds	\$	360	3.3%	3.5%	40,821	42,250	43,729	45,259	46,843
Elevator	\$	-	0.0%	3.5%	-	-	-	-	-
Other: Cleaning & Building Supplies	\$	315	2.8%	3.5%	35,686	36,935	38,227	39,565	40,950
Other: Licenses	\$	4	0.0%	3.5%	461	477	494	511	529
Other: State Tax	\$	9	0.1%	3.5%	1,053	1,090	1,128	1,168	1,209
Other:	\$	-	0.0%	3.5%	-	-	-	-	-
Other:	\$	-	0.0%	3.5%	-	-	-	-	-
Other:	\$	-	0.0%	3.5%	-	-	-	-	-
TOTAL OPERATING EXPENSES	\$	3,306			374,395	387,499	401,061	415,099	429,627
Internet Expense	\$	-	0.0%	3.5%	-	-	-	-	-
Service Amenities	\$	140	1.3%	3.5%	15,802	16,355	16,927	17,520	18,133
Reserve for Replacement	\$	300	2.7%	0.0%	25,800	25,800	25,800	25,800	25,800
Real Estate Taxes	\$	41	0.4%	2.0%	4,101	4,183	4,266	4,352	4,439
TOTAL EXPENSES, TAXES & RESERVES	\$	3,786			420,098	433,837	448,055	462,770	477,999
CASH FLOW AVAILABLE FOR DEBT SERVICE					741,603	756,907	772,457	788,255	804,302
DEBT SERVICE & OTHER DISTRIBUTIONS		Loan Amount			Year-9	Year-10	Year-11	Year-12	Year-13
Permanent Loan	Hard	\$ 7,516,963	0.052		502,274	502,274	502,274	502,274	502,274
Other	NA	\$ -			-	-	-	-	-
Asset Management Fees	Soft	\$ 13,600			13,600	13,600	13,600	13,600	13,600
Deferred Developer Fee	Soft	\$ 2,064,668			225,730	241,033	256,584	57,392	-
Other	Soft	\$ -			-	-	-	-	-
Other	Soft	\$ -			-	-	-	-	-
Other	Soft	\$ -			-	-	-	-	-
Equity	Soft	\$ 1,848,567			-	-	-	107,495	144,214
ANNUAL NET CASH FLOW / YEILD					-	-	-	107,495	144,214
Deferred Dev. Fee Balance	Interest Rate:	0.00%			555,009	313,976	57,392	-	-
Debt Service Coverage Ratio on Hard Debt					1.48	1.51	1.54	1.57	1.60

**Oakland Senior
Multi-Year Stabilized Operating Pro-Forma**

Oakland, CA

RENTAL INCOME	% AMI	Net Rent / Unit - Year 1	No. of Units	Annual Increase	Year 14	Year 15
1BR/1BA	50%	801	7	2.5%	92,752	95,071
1BR/1BA	55%	0	0	2.5%	-	-
1BR/1BA	60%	968	63	2.5%	1,008,805	1,034,026
1BR/1BA	0%	0	0	2.5%	-	-
2BR/1BA	50%	958	2	2.5%	31,695	32,487
2BR/1BA	55%	0	0	2.5%	-	-
2BR/1BA	60%	1,158	14	2.5%	268,181	274,886
2BR/1BA	0%	0	0	2.5%	-	-
3BR/2BA	50%	0	0	2.5%	-	-
3BR/2BA	55%	0	0	2.5%	-	-
3BR/2BA	60%	0	0	2.5%	-	-
3BR/2BA	0%	0	0	2.5%	-	-
4BR/2BA	50%	0	0	2.5%	-	-
4BR/2BA	55%	0	0	2.5%	-	-
4BR/2BA	60%	0	0	2.5%	-	-
4BR/2BA	0%	0	0	2.5%	-	-
COMMERCIAL	0%	0	0	2.5%	-	-
TOTAL RENTAL INCOME			86		1,401,433	1,436,469
OTHER INCOME			Units	Incr./Yr.	Year-14	Year-15
Laundry			86	2.5%	5,928	6,076
Tenant Charges & Interest			86	2.5%	5,928	6,076
TOTAL OTHER INCOME					11,855	12,152
TOTAL INCOME					1,413,288	1,448,620
Less Vacancy Allowance				7%	(98,930)	(101,403)
GROSS INCOME					1,314,358	1,347,217
OPERATING EXPENSES		Per Unit - Yr. 1	%EGI	Incr./Yr.	Year-14	Year-15
Advertising	\$	45	0.4%	3.5%	6,099	6,313
Legal	\$	23	0.2%	3.5%	3,128	3,237
Accounting/Audit	\$	47	0.4%	3.5%	6,256	6,475
Security	\$	-	0.0%	3.5%	-	-
Other: Telephone, Office Expense, Misc.	\$	(642)	-5.8%	3.5%	(86,346)	(89,368)
Management Fee	\$	702	6.3%	3.5%	94,463	97,769
Fuel	\$	2	0.0%	3.5%	313	324
Gas	\$	8	0.1%	3.5%	1,095	1,133
Electricity	\$	90	0.8%	3.5%	12,042	12,464
Water/Sewer	\$	540	4.9%	3.5%	72,568	75,107
On-Site Manager	\$	480	4.3%	3.5%	64,560	66,820
Maintenance Personnel	\$	90	0.8%	3.5%	12,042	12,464
Other: Payroll Taxes, Work Comp, Benefits	\$	319	2.9%	3.5%	42,852	44,352
Insurance	\$	200	1.8%	3.5%	26,900	27,842
Painting	\$	50	0.5%	3.5%	6,725	6,960
Repairs	\$	490	4.4%	3.5%	65,843	68,147
Trash Removal	\$	158	1.4%	3.5%	21,270	22,014
Exterminating	\$	16	0.1%	3.5%	2,190	2,266
Grounds	\$	360	3.3%	3.5%	48,483	50,180
Elevator	\$	-	0.0%	3.5%	-	-
Other: Cleaning & Building Supplies	\$	315	2.8%	3.5%	42,383	43,867
Other: Licenses	\$	4	0.0%	3.5%	547	567
Other: State Tax	\$	9	0.1%	3.5%	1,251	1,295
Other:	\$	-	0.0%	3.5%	-	-
Other:	\$	-	0.0%	3.5%	-	-
Other:	\$	-	0.0%	3.5%	-	-
TOTAL OPERATING EXPENSES	\$	3,306			444,664	460,227
Internet Expense	\$	-	0.0%	3.5%	-	-
Service Amenities	\$	140	1.3%	3.5%	18,767	19,424
Reserve for Replacement	\$	300	2.7%	0.0%	25,800	25,800
Real Estate Taxes	\$	41	0.4%	2.0%	4,528	4,618
TOTAL EXPENSES, TAXES & RESERVES	\$	3,786			493,759	510,070
CASH FLOW AVAILABLE FOR DEBT SERVICE					820,599	837,148
DEBT SERVICE & OTHER DISTRIBUTIONS		Loan Amount			Year-14	Year-15
Permanent Loan	Hard	\$ 7,516,963	0.052		502,274	502,274
Other	NA	\$ -			-	-
Asset Management Fees	Soft	\$ 13,600			13,600	13,600
Deferred Developer Fee	Soft	\$ 2,064,668			-	-
Other	Soft	\$ -			-	-
Other	Soft	\$ -			-	-
Other	Soft	\$ -			-	-
Equity	Soft	\$ 1,848,567			152,363	160,637
ANNUAL NET CASH FLOW / YEILD					152,363	160,637
Deferred Dev. Fee Balance	Interest Rate:	0.00%			-	-
Debt Service Coverage Ratio on Hard Debt					1.63	1.67