

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, and the plans dated July 30, 2013 and submitted July 31, 2013, 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 require prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:
 - Revision to the Broadway-West Grand Planned Unit Development ("PUD" under Oakland Municipal Code Section 17.140;
 - Approval of a Final Development Permit (FDP) under Oakland Municipal Code Section 17.140;
 - Approval of a Minor Variance for locating auto-fee parking in an open facility, under Municipal Code Section 17.148;
 - Approval of a Major Variance for custom manufacturing uses, including a commissary kitchen, chocolate manufacturing and a t-shirt print shop, under Municipal Code Section 17.148, to be located at 2301 Broadway and the new two-story commercial building interior to the block (Lots C and F on TTM8138);
 - Approval of a Major Conditional Use Permit (CUP) for fast-food commercial uses, specifically vehicular food vending, to be located in the alley adjacent to 2337 Broadway (with associated seating and cashier service located in 2337 Broadway), under Municipal Code Section 17.134 and 17.102.210;
 - Approval of Tentative Tract Map (TTM) TTM8318, under Municipal Code Title 16.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall August 28, 2015 from the 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 and Subdivision Ordinance** 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/Mitigation Measures** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **Conditions/Mitigation Measures** if it is found that there is violation of any of the **Conditions/Mitigation Measures** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. 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/Mitigation Measures**

With submittal of a demolition, grading, and building permit

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

7. **Indemnification**

Ongoing

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

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval **and mitigation measures**, 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 (General)

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

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

13. 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 may be required as part of construction-related permits**.
- 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 facilities to current City standard **as may be required as part of construction-related permits**.
- 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 as may be required as part of construction-related permits.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage **as may be required as part of construction-related permits**.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

14. 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.

15. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions/Mitigation Measures** compliance matrix that lists each condition of approval **and**

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

16. Construction Management Plan

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

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

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

All Standard Conditions of Approval, mitigation measures and Recommended Measures identified in Broadway-West Grand Addendum #3 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, mitigation measures and/or Recommended Measure identified in Addendum #3 (or from the 2004 EIR and/or Addenda #1 and/or #2 that are still applicable to this Project) were 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, mitigation measures 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, mitigation measures and Recommended Measure. Overall monitoring and compliance with the standard conditions, mitigation measures 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

18. Project-Specific Conditions of Approval

Prior to issuance of a building permit

- A. Prior conditions of approval that continue to apply and are not superseded by standard conditions of approval listed above:
 - a. The final design elements listed below shall be submitted for review and approval by the Planning director prior to issuance of the building permit. The Planning Director may exercise his/her standard authority to refer the

final design to the Design Review Committee or to the Planning Commission.

- i. Windows shall be articulated to best support the design of the building. In general, a two-inch minimum recess from the building façade is required. However, staff shall evaluate on a case-by-case level, based on the submittal of final window schedules and details, if the specific proposal is appropriate to the specific design. (revised from original window design condition of approval to reflect change in design style of project)
- ii. The materials and installation methods shall be detailed to provide a high-quality, durable, and attractive building façade, particularly at the base of the buildings. Upon request, full-size material mock-ups shall be provided for all ground-floor finish materials, demonstrating three-dimensional trim wrap at corners. Final material selections and installation details for all exterior design elements including canopies, grilles, balconies, gates, etc. shall be submitted for review and approval.
- iii. The final colors must be submitted for review and approval.
- iv. Submission of final onsite landscape and streetscape plans.
 - b. Meter Shielding. The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing to the extent feasible the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.
 - c. Rooftop Utilities. The applicant shall submit plans to the Planning and Zoning Division that adequately demonstrate that rooftop utilities will be adequately concealed and/or consolidated.
 - d. Car Share Parking. Prior to issuance of certificate of occupancy, the project sponsor shall allocate a number of parking spaces in the project parking area(s) to be determined the Planning Director to be available for the City Carshare parking program.
 - e. Tree Removal Permit. The project sponsor must obtain a tree removal permit for the three protected trees on-site from the Office of Parks and Recreation, and abide by the conditions of that permit prior to construction.

B. Current Project-Specific Conditions of Approval.

- a. Prior to issuance of a demolition permit for the historic façade located at 440-448 23rd Street, the applicant shall provide a financial contribution of \$68,750 to the Façade Improvement Program.
- b. A demolition permit for the historic façade located at 440-448 23rd Street shall not be issued until issuance of a building permit for the core and shell of the approved project.

- c. Prior to developing a specific proposal for rehabilitation of the historic facades, the applicant shall conduct investigative demolition of the currently covered facades. The investigative demolition shall be reviewed by the staff planner and historic preservation staff prior to the development of the actual proposed rehabilitation. The investigative demolition shall be photographed for the record.
- d. To the extent feasible, the rehabilitation of the four historic facades, 2335-37 Broadway, 2343 Broadway, 2345 Broadway and 2366-98 Valley Street shall comply with the Secretary of the Interior's Standards. Historic preservation staff and an LPAB subcommittee (Garry, Andrews) shall review the proposed rehabilitations to evaluate compliance with the Secretary of Interior's Standards and provide a recommendation to the Planning Director or his/her designee who shall make a determination of compliance. Both the LPAB subcommittee report and the Planning Director or his/her designee's compliance determination shall be forwarded to the full Landmarks Board for informational purposes. If non-compliance with some or all of the rehabilitation standards is evident in the plans, the project sponsor shall submit a report demonstrating that compliance with said standard(s) is infeasible and the reasons why, for review and approval by the Planning Director or his/her designee, prior to building permit sign-off.
- e. All proposed materials for rehabilitation of the historic resources, including tile, marble, brick, cornice materials, obscure glass, signage, etc. to be reviewed by the staff planner and historic preservation staff, with final consideration by the Planning Director, prior to building permit sign-off.
- ii. Specific to 2337-2345 Broadway: Following investigative demolition, if deemed by staff to be appropriate, consider:
 - A. Transom windows facing Broadway should be restored to wood or original materials;
 - B. Storefronts should be powder-coated aluminum with front-centered glass, and each storefront frame colors shall be differentiated from one another.
 - C. Each storefront should be painted (or treated) a separate color to distinguish each from the other.
 - D. Storefronts should have pony walls (or bases) of a substantive material, and storefront glazing should not extend to grade. Base design and material is subject to review and approval by the Planning Director or his/her designee.
 - E. Facades should be restored and any damaged or missing materials should be replicated.
 - F. The cornice replacement material for 2345 Broadway should be of high quality and is subject to review and approval by the Planning Director or his/her designee.
 - G. For 2366-98 Valley Street (corner of Valley and 24th Streets), the applicant shall engage a Historic Architect to outline the maintenance process for the concrete walls and decorative features of the building exterior. Maintenance shall comply with Secretary of the Interior standard #7: "Chemical or physical treatments, if appropriate, shall be undertaken, using the gentlest means possible. Treatments that cause damage to historic materials shall not be used."

- a.
- b. The fast-food activity to be located at 2337 (Lot F of TTM8318) Broadway shall comply with the City of Oakland "Fast-Food Restaurants and Drive-Through Non-Residential Facilities Guidelines for Development and Evaluation" (Exhibit B)
- c. Subject to staff-level review, redesign courtyard at interior of site to incorporate as many trees as possible. Specifically, consider planting a bosque at that location. If infeasible, the applicant shall demonstrate to staff infeasibility.

19. Tentative Tract Map 8318

a) Engineering Services Conditions of Approval

- i. The site is located within a zone that could be subject to earthquake-induced liquefaction hazards as shown on the Seismic Hazard Zones by the California Departments of Mines and Geology. A Geotechnical report needs to be submitted for review by the City for certain types of building construction work. The report shall be prepared by a certified engineering geologist and/or a Civil Engineer participating within the area of his or her competence, which documents the result of an investigation of the site for seismic hazards and recommends mitigation measures to reduce the risk of identified seismic hazards to acceptable levels.
- ii. The proposed subdivision is subject to Sanitary Sewer Impact Review and the mitigation fee assessment required by the City of Oakland Public Works Agency. The submittal requirements for this review are listed on the attached handout. The following items need to be submitted to the City for this review:
 - 1. Calculation of the existing and proposed design sewer discharge flows for approval and assessing the mitigation fees.
 - 2. Calculation of the impact of the proposed design flow on the existing sanitary sewer capacity from the connection point to the City's trunk sewer.
 - 3. Videotapes and reports of the existing sanitary sewer system from the connection point to the City's trunk sewer. If the existing system is in poor condition or under capacity, the subdivider shall be responsible for repairing and/or replacing the sanitary sewer mains. The plans for these improvements shall be approved, and bonds shall be submitted prior to the recordation of the Final Map.
- iii. The proposed subdivision is subject to "Storm Drainage Impact Review" required by the City of Oakland Public Works Agency. The submittal requirements for this review are listed on the attached handout. If this review determines that improvements are needed to the existing public storm drain system in the public right of way, the property owner shall be responsible for construction of these improvements. Said improvements are subject to the City's procedure for Private Jobs. The plans for these improvements shall be approved, and bonds shall be submitted prior to the recordation of the Final Map.
- iv. Prior to approval of the Final Map, certain public street improvements are needed. Said improvements are subject to the City's procedure for Private Jobs and/or other types of permits. The plans for these improvements shall be approved, and bonds shall be

submitted prior to the recordation of the Final Map. The improvements shall include the following:

1. Construction of new sidewalks with a minimum of 5.0 feet along the entire frontage of the proposed subdivision.
 2. The wheelchair ramps in Valley Street at 23rd and 24th Street intersections need to be upgraded in order to meet the California Title 24 curb ramp requirements.
 3. The existing curb and gutter along the frontage of the proposed subdivisions needs to be repaired and/or replaced where it is needed to comply with the requirements of the Public Works Agency.
 4. New street lights need to be installed on the streets abutting the proposed subdivision in order to comply with the requirements of the Public Works Agency.
 5. Repairing any deteriorating pavement in the streets abutting the proposed subdivision, as well as providing an overlay along the frontage of the subject subdivision up to the centerline of those streets.
- v. The subdivider shall enter into a Subdivision Improvement Agreement with the City of Oakland for all required public improvements prior to the recordation of the Final Map.
- vi. The proposed subdivision shall comply with the requirements of National Pollutant Discharge Elimination System (NPDES) and Provision C.3 requirements. Unless it is permitted by the City Engineers, all permanent storm water treatment measures shall be placed onsite.
- vii. The proposed driveways have been neither reviewed nor approved. The approval of any proposed driveways will be contingent upon the review of the proposed public street improvements, as well as a Traffic Impact Study submitted by the applicant.
- b) Oakland Fire Department Conditions of Approval: Residential occupancies are subject to fire code inspections for:
- i. Smoke alarms are required per California Fire Code (CFC) Ref.: 2010 CFC 907.2 for dwelling occupancies (all properties defined as R occupancies),
 - ii. Rescue window openings shall comply with CFC 1026 and access to rescue windows shall comply with CFC 504.
 - iii. Openings are not permitted within the setback limits required by code. Any openings must meet the requirements set forth in 2010 CBC Table 705.8 and sprinklers or equivalent opening protection shall be installed to protect such openings.
 - iv. Exit discharge shall comply with CBC Table 602 and CFC Section 1027.
 - v. Means of egress for Existing Buildings shall comply with CFC 1027.1
 - vi. Property address signs for each building shall comply with 2010 CFC 505.

- vii. The applicant/s shall agree to the transferability of these conditions to subsequent owners.
- viii. Obtain and pass a fire code inspection to comply with the Fire Department's Annual Inspection. Please see attached checklist for residential occupancies for conditions that apply.
- ix. Fire apparatus access roads, including Off-Street Parking, widths shall comply with fire department access as required by the 2010 CFC Appendix D and City Ordinance 13052. The Fire Code Appendix D shall be applied to new and existing roads in this development to allow fire apparatus access for OFD and other jurisdictions necessary under mutual response agreements.
- x. The minimum fire apparatus access road width is required to be 26 feet. Valley Road, 23rd and 24th Streets shall provide the minimum fire apparatus access road width. Plans need to be resubmitted to verify/confirm if the minimum road width is feasible when the city allows for side street parking. Ref.: City's Fire Code Ordinance No. 13052 amendments to 2010 CFC Appendix D. A fire code variance is required when existing public roads providing fire apparatus access constrained with new development construction and existing public service utilities (i.e., those at or below sidewalk areas) are impacted due to apparatus load or minimum fire truck clearances for unobstructed road widths.
- xi. The design standard shall follow 2010 CFC Appendix D as amended by City Ordinance No 13052. In the event Public Works Agency road design standard is more restrictive, the more restrictive provision/standard shall prevail. In the event of conflicts, the minimum road width shall not be less than as defined below due to the proposed building height is greater than 30 feet (Appendix D, D105.1) and is served by fire hydrants (D103.1):
 - 1. 26 feet effective road width: 0 parking on either side of the street
 - 2. 34 feet effective road width: 1 parking on one side of the street
 - 3. 42 feet effective road width: 1 parking on each side of the street
 A fire code variance is required when existing public roads providing fire apparatus access constrained with new development construction and existing public service utilities (i.e., those at or below sidewalk areas) are impacted due to apparatus load or minimum fire truck clearances for unobstructed road widths.
- xii. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway as required by 2010 CFC D105.1, which shall require the undergrounding of utilities and power lines.

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 August 28, 2013. 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)

EXHIBIT A

**BROADWAY-WEST GRAND
STANDARD CONDITIONS OF APPROVAL/
MITIGATION MONITORING AND REPORTING PROGRAM**

BROADWAY-WEST GRAND MIXED-USE PROJECT EIR ADDENDUM #3

SCAMMRP

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the third addendum (“Addendum #3”) to the Broadway-West Grand Mixed-Use Project EIR (“2004 EIR”) prepared for the Broadway-West Grand Mixed-Use Project as modified in 2013 (the “2013 Modified 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 following mitigation measures identified to address significant impacts resulting with the Broadway-West Grand Mixed-Use Project shall be incorporated into the third addendum (Addendum #3) to the 2004 EIR. Several of the mitigation measures presented below were originally approved in 2004 for Broadway-West Grand Mixed-Use Project 2004 EIR, some were subsequently amended in the 2006 Mitigation Monitoring and Reporting Program (MMRP) for the first addendum (Addendum #1) to the 2004 EIR, and some were subsequently amended in the 2008 MMRP for the second addendum (Addendum #2) to the 2004 EIR.

Since approval of the 2004 EIR, the City has established Standard Conditions of Approval (SCA) for all projects. The City’s Standard Conditions of Approval (SCA) that were identified in the Addendum #3 to the 2004 EIR as measures that would minimize potential adverse effects that could result from implementation of the 2013 Modified Project are also included in this SCAMMRP to ensure the conditions are implemented and monitored. Where applicable, these SCA replace the mitigation measures identified in the 2004 EIR. (A record of the text revisions from the 2004 EIR mitigation measure to the last-approved mitigation measures in the Addendum #2 MMRP is available at the City Planning and Zoning Division, filed under Case Nos. PUD03-552, PUDF03-553 and ER03-022.)

The following Table presents the mitigation measures, recommended measures, and SCA identified in Addendum #3. Each mitigation measure is numbered according to the impact statement to which it applies. For example, Mitigation Measure E.3a is the first mitigation measure identified in the Cultural Resources Impact Statement E.3. The Standard Conditions are identified with the prefix SCA (e.g., SCA CUL-1). For each mitigation measure and SCA, this SCAMMRP indicates the *Implementation and Monitoring Schedule* (the timeframe during which the monitoring must occur); *Monitoring Responsibility Responsible Implementing Entity* (the entity responsible for monitoring the compliance); the *Monitoring Procedure* (the actions necessary to ensure compliance with the applicable measure).

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Aesthetics				
A.2: Implementation of the proposed project would alter, but would not substantially degrade the existing visual character or quality of the site and its surroundings.	SCA AES-1: Landscape Requirements for Street Frontages. <i>Prior to issuance of a final inspection of the building permit.</i> 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 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 issuance of a final inspection of the building permit.	City of Oakland Department of Planning & Building City of Oakland Building Services Division, Zoning Inspection	Review and approve landscape and tree replacement plan Confirm that implementation of the landscape and tree plan during construction
	SCA AES-2: Landscape Maintenance. <i>Ongoing.</i> 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 Public Works Agency-Tree Services Division City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection.	Review and approve plans Confirm implementation of maintenance in compliance with applicable landscaping requirements
A.3: Implementation of the proposed project would result in an increase in light and glare at the project site.	SCA AES-3: Lighting Plan <i>Prior to the issuance of an electrical or building permit.</i> The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that 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	Submittal prior to the issuance of an electrical or building permit	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection City of Oakland Public Works Agency, Electrical Services Division	Review and approve plans Confirm implementation of the design features during construction
Air Quality				
C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.	SCA AIR-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions) <i>Ongoing throughout demolition, grading, and/or construction.</i> During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the BAAQMD: 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.	Submittal prior to demolition, grading or construction permit Ongoing throughout demolition, grading, and/or construction	City of Oakland - Building Services Division	Review and approve plan Confirm that all dust-control mitigation measures are being implemented

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Air Quality (cont.)				
C.1 (cont.)	b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) 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. 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. e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f) Limit vehicle speeds on unpaved roads to 15 miles per hour. g) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. 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. h) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. i) All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. j) 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 the BAAQMD shall also be visible. This information may be posted on other required on-site signage. k) 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.			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Air Quality (cont.)				
C.1 (cont.)	l) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph. m) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. n) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). o) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. p) 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. q) 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. r) 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. s) All trucks and equipment, including tires, shall be washed off prior to leaving the site. t) 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. u) Minimize the idling time of diesel-powered construction equipment to two minutes. v) All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMMD Regulation 8, Rule 3: Architectural Coatings).			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Implementing Entity	Monitoring Procedure
Air Quality (cont.)				
C.1 (cont.)	w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM. x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.			
Cultural Resources				
E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries.	Standard Condition of Approval HYD-1: Erosion and Sedimentation Control Plan; HYD-2: Stormwater Pollution Prevention Plan (SWPPP); and HYD-3: Post-Construction Stormwater Management Plan in the Hydrology and Water Quality section below.			
	SCA CUL-1: Archaeological Resources <i>Ongoing throughout demolition, grading, and/or construction</i> a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible,	Ongoing throughout demolition, grading, and/or construction.	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection.	Confirm that all applicable measures are being implemented or complied with.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Cultural Resources (cont.)				
E.1 (cont.)	other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out. c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.			
	SCA CUL-2: Human Remains <i>Ongoing throughout demolition, grading, and/or construction.</i> 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.	Ongoing throughout demolition, grading, and/or construction; Upon discovery of human remains, cease construction. Submittal of alternate plan prior to resuming construction	City of Oakland Department of Planning & Building City of Oakland -Building Services, Zoning Inspection.	Confirm required agency notifications and consultations are conducted if human skeletal remains are found; Review and approve an alternative plan, and confirm that the plan and all applicable measures are being implemented or complied with prior to resuming construction.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Cultural Resources (cont.)				
E.2: The proposed project may adversely affect unidentified paleontological resources at the site.	SCA CUL-3: Paleontological Resources <i>Ongoing throughout demolition, grading, and/or construction.</i> In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995, 1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	Ongoing throughout demolition, grading, and/or construction; Upon discovery of paleontological resources, cease construction until examination by a qualified paleontologist and submittal of a discovery and excavation plan prior to resuming construction.	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection.	Review and approve qualified paleontologist Confirm required agency notifications and consultations if resources are found; Review and approve the excavation plan and confirm the plan is implemented and all applicable measures are being implemented or complied with.
E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway, 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street.	E.3a: Record each of the seven affected historic resources in accordance with procedures of the Historic American Building Survey (HABS) through measured drawings, large-format photographs and written histories in a combined document, to be archived locally at the Oakland History Room (OHR) of the Oakland Public Library with copies to OCHS and the Northwest Information Center (NWIC). Portions of the metal facades on 2335-2345 Broadway shall be selectively demolished to determine if any original fabric from the 1920s exists behind them, as visual evidence suggests. If the selective demolition reveals sufficient evidence of historic fabric, all metal facades shall be carefully removed and all original facades photographed for the HABS documentation effort. If no original fabric exists, these buildings shall be photographed as they currently appear. E.3b: Prepare a history of the development of automobile sales and repair in Oakland, and the role played by the buildings on the project site in that history, that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. The resulting report, in brochure or other form, shall be made available at local libraries and museums.	Verify that appropriate documentation has been prepared prior to the issuance of demolition permit(s).	City of Oakland Department of Planning & Building Project applicant, City of Oakland Department of Planning & Building Oakland Cultural Heritage Survey	Project applicant shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure. Project applicant shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Cultural Resources (cont.)				
E.3 (cont.)	E.3c: Incorporate interpretive elements including real historic material from the site where feasible, such as signs and placards that describe the history of the area and the historic buildings to be demolished, into public areas and street frontages proposed as part of the project.	Prior to the issuance of building permit(s).	City of Oakland Department of Planning & Building Project Applicant City of Oakland Department of Planning & Building Oakland Cultural Heritage Survey	Review building plans for evidence of incorporation of interpretive elements in the project design.
	E.3d: Salvage architectural elements from the historic buildings to be demolished, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction on the project site where feasible.	Verify that appropriate documentation has been prepared prior to the issuance of demolition permit(s).	City of Oakland Department of Planning & Building Project Applicant City of Oakland Department of Planning & Building Oakland Cultural Heritage Survey	Project applicant shall contract with qualified architectural historian or preservation architect to conduct appropriate salvage of architectural elements and shall prepare report documenting same and addressing how elements will be incorporated for submittal to Planning Division.
	E.3e: Curate all materials, notes, and reports at the Oakland History Room, and submit copies to the NWIC.	Verify that appropriate documentation has been submitted to the Oakland History Room and the NWIC prior to the issuance of first occupancy permit(s).	City of Oakland Department of Planning & Building Project Applicant City of Oakland Department of Planning & Building	Project applicant shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure.
	SCA CUL-4: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition) <i>Prior to issuance of a demolition permit. The project applicant shall make a good faith effort to relocate the building located at 440-48 23rd Street to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey. Good faith efforts include, at a minimum, the following:</i> a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3'x 6' size or larger) at the site; (2) placement of advertisements in Bay Area	Submittal prior to issuance of demolition permit.	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection; Oakland Cultural Heritage Survey (OCHS)	Review and approve all applicable measures are being implemented or complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Cultural Resources (cont.)				
E.3 (cont.)	news media acceptable to the City ;and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations; b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division; c) Maintaining the signs and advertising in place for a minimum of 90 days; and d) Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.			
	SCA CUL-5: Vibrations Adjacent Historic Structures <i>Prior to issuance of a demolition, grading or building permit.</i> The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the 440-48 23rd Street Building (Historic Structure) and design means and methods of construction that shall be utilized to not exceed the thresholds.	Submittal prior to issuance of a demolition, grading or building permit. Ongoing throughout construction	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection	Review and approve historical preservation architect, structural engineer and monitoring team Review and approve the existing conditions plan
E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, could result in cumulative impacts to historic resources.	Mitigation Measure E.5: Prior to issuance of a demolition permit for the historic facade located at 440-448 23rd Street, the applicant shall provide a financial contribution of \$68,750 to the Façade Improvement Program.	Verify that agreed-upon fee has been paid prior to the issuance of demolition permit(s).	City of Oakland Department of Planning & Building Oakland Cultural Heritage Survey	City of Oakland Department of Planning & Building Planning Division to determine fair-share contribution and ensure that project sponsor funds this amount.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hazardous Materials				
F.1: Disturbance and release of contaminated soil, groundwater, or building materials during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.	SCA HAZ-1: Hazards Best Management Practices <i>Prior to the commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following: a) Follow manufacturers' recommendations on use, storage, and disposal of chemical products used in construction; b) Avoid overtopping construction equipment fuel gas tanks; c) During routine maintenance of construction equipment, properly contain and remove grease and oils; d) Properly dispose of discarded containers of fuels and other chemicals. e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.	Prior to commencement of demolition, grading, or construction Ongoing through demolition, grading and construction activities	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building	Review and approve practices Confirm that all applicable measures are being implemented and complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Implementing Entity	Monitoring Procedure
Hazardous Materials (cont.)				
F.1 (cont.)	SCA HAZ-2: Asbestos Removal in Structures <i>Prior to issuance of a demolition permit.</i> If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	Make determination prior to issuance of a demolition permit;	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building Fire Prevention Bureau, Hazardous Materials Unit	Confirm that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations and with all applicable measures
	SCA HAZ-3: Site Review by the Fire Services Division <i>Prior to the issuance of demolition, grading or building permit.</i> The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.	Submittal prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building Fire Prevention Bureau Hazardous Materials Unit	Review and approve plans
	SCA HAZ-4: Phase I and/or Phase II Reports <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, 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.	Submittal prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building City of Oakland Fire Prevention Bureau, Hazardous Materials Unit	Review and approve Phase I and Phase II reports Confirm that the follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation report for the Project site is conducted, including the types of analyses as recommended by DTSC, and any recommendations from the follow-up investigation are implemented.
	SCA HAZ-5: Lead-based Paint/Coatings, Asbestos, or PCB Occurrence Assessment <i>Prior to issuance of any demolition, grading or building permit.</i> The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.	Submittal prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building Fire Prevention Bureau Hazardous Materials Unit	Review and approve the comprehensive assessment report detailing materials classified as hazardous waste

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hazardous Materials (cont.)				
F.1 (cont.)	SCA HAZ-6: Environmental Site Assessment Reports Remediation <i>Prior to issuance of a demolition, grading, or building permit.</i> If the environmental site assessment reports recommend remedial action, the project applicant shall: 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. a) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. b) 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.	Submittal prior to issuance of a demolition, grading, or building permit;	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building Fire Prevention Bureau Hazardous Materials Unit	Review written evidence of approval for any remedial actions required has been obtained and that Remediation Action Plan has been adequately prepared. Review and approve Construction-Phase Risk Management Plan
	SCA HAZ-7: Lead-based Paint Remediation <i>Prior to issuance of any demolition, grading or building permit.</i> If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.	Submittal prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building City of Oakland Fire Prevention Bureau, Hazardous Materials Unit	Review and approve specifications for the stabilization or removal of any lead paint
	SCA HAZ-8: Other Materials Classified as Hazardous Waste <i>Prior to issuance of any demolition, grading or building permit.</i> If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.	Submittal prior to issuance of a demolition, grading, or building permit	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building Fire Prevention Bureau Hazardous Materials Unit	Review that written confirmation has been obtained that all State and federal laws will be followed when profiling, handling, treating, transporting and/or disposing of all hazardous waste.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hazardous Materials (cont.)				
F.1 (cont.)	SCA HAZ-9: Health and Safety Plan per Assessment <i>Prior to issuance of any demolition, grading or building permit. If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</i> SCA HAZ-10: Hazard Best Management Practices for Soil and Groundwater Hazards The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards: 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. 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); c) Prior to issuance of any demolition, grading, or building permit, 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	Submittal prior to issuance of a demolition, grading, or building permit; Implement measures in accordance with timeframes outlined in plan Ongoing throughout demolition, grading, and/or construction activities.	City of Oakland, Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland- Building Services Division, Zoning Inspection; City of Oakland Department of Planning & Building	Review and approve health and safety plan to protect workers from hazardous waste Confirm 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. Review evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site 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

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hazardous Materials (cont.)				
F.1 (cont.)	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.			
	SCA HAZ-11: 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, Hazardous Materials Unit, 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.	Submittal with Phase I and/or Phase II documents, prior to issuance of a demolition, grading or building permit Ongoing if remediation actions are recommended	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland- Building Services Division, Zoning Inspection; City of Oakland Department of Planning & Building	Review documents 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 Confirm implementation of remedial actions if recommended
	SCA HAZ-12: Hazardous Materials Business Plan <i>Prior to issuance of a business license.</i> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following: a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b) The location of such hazardous materials. c) An emergency response plan including employee training information. d) A plan that describes the manner in which these materials are handled, transported and disposed.	Prior to issuance of a business license	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; Project applicant; City of Oakland- Building Services Division, Zoning Inspection; City of Oakland Department of Planning & Building	Review and approve plan Confirm that all applicable measures are being implemented and complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hazardous Materials (cont.)				
F.2: Improper disposal of contaminated soil components from the demolition and excavation phases of the project could expose construction workers, the public, or the environment to adverse conditions.	See Standard Conditions of Approval HAZ-1 through HAZ-10 above.			
F.3: Hazardous materials used on-site during construction activities (i.e. solvents) could be released to the environment through improper handling or storage.	See Standard Conditions of Approval HAZ-1 through HAZ-10 above.			
Noise				
D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.	SCA NOI-1: Days/Hours of Construction Operation <i>Ongoing throughout demolition, grading, and/or construction.</i> The project applicant shall require construction contractors to limit standard construction activities as follows: a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division. b) Construction activity shall not occur on Saturdays, with the following possible exceptions:	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division Project applicant; City of Oakland, Building Services Division	Confirm that all applicable measures are being implemented and complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Noise (cont.)				
D.1 (cont.)	i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed. c) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions. d) No construction activity shall take place on Sundays or Federal holidays. e) 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. f) Applicant shall use temporary power poles instead of generators where feasible.			
	SCA NOI-2: Noise Control <i>Ongoing throughout demolition, grading, and/or construction.</i> To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures: a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise	Submittal prior to, and ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division Project applicant; City of Oakland, Building Services Division	Review and approve noise reduction plan; Confirm that all applicable measures are being implemented and complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Noise (cont.)				
D.1 (cont.)	associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.			
	SCA NOI-6: 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 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:	Submit plan prior commencing construction activities involving pile driving or other extreme noise generators; Implement measures according to timeframes outlined in the plan	City of Oakland, Building Services Division, Zoning Inspection Project applicant; City of Oakland Department of Planning & Building	Review and approve acoustical consultant Review and approve plan to ensure the maximum feasible noise attenuation. Confirm that a special inspection deposit has been submitted Confirm that all applicable measures are being implemented and complied with.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Noise (cont.)				
D.1 (cont.)	a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.			
	SCA NOI-3: Noise Complaint Procedures <i>Ongoing throughout demolition, grading, and/or construction.</i> Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours); 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); b) The designation of an on-site construction complaint and enforcement manager for the project; c) 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 d) 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.	Submit list prior to the issuance of a building permit; Ongoing throughout demolition, grading, and/or construction	City of Oakland, Building Services Division City of Oakland Department of Planning & Building	Review and approve the list of measures to respond to and track complaints pertaining to construction noise. Confirm that all applicable measures are being implemented and complied with.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Noise (cont.)				
D.2: Noise from project-generated traffic and other operational noise sources such as mechanical equipment, truck loading/unloading, etc., could exceed the Oakland Noise Ordinance standards and affect nearby residential receptors.	SCA NOI-4: Interior Noise <i>Prior to issuance of a building permit and Certificate of Occupancy.</i> If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that: a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit. c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following: - 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.	Prior to issuance of a building permit and Certificate of Occupancy.	City of Oakland - Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building	Review and approve qualified acoustical engineer Review and approve recommendations and final project plans with noise reduction measures Confirm all measures are being implemented or complied with Review and approve confirmation by acoustical consultant
	SCA NOI-5: Operational Noise-General <i>Ongoing.</i> 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.	Ongoing during operations.	City of Oakland Department of Planning & Building City of Oakland- Building Services Division, Zoning Inspection.	Verify that all noise generating equipment on the site during operation of the project does not exceed levels pursuant to the applicable performance standards in the Oakland Planning Code and Oakland Municipal Code.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking				
B.11: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	SCA Trans-2: Construction Traffic and Parking <i>Prior to the issuance of a demolition, grading or building permit.</i> The project sponsor and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project sponsor shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements: a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. b. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. c. Location of construction staging areas for materials, equipment, and vehicles at an approved location. d. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services. e. Provision for accommodation of pedestrian flow. f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces. g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the project sponsor's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street	Submittal prior to issuance of a grading, demolition, building or P-Job permit Ongoing through construction	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Public Works Agency, Traffic Services Division to meet with project sponsor to discuss construction-period traffic management and shall review and approve construction management plan submitted by project sponsor. Traffic Services Division shall notify City of Oakland Department of Planning & Building, Planning Division, of acceptance of construction management plan when plan is determined adequate.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
B.11 (cont.)	shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the project sponsor'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.			
Impact TRANS-1: The 2013 Modified Project would add more than 10 peak hour trips to 24th Street/Broadway intersection (#5) which would meet peak-hour signal warrant (Significance Threshold #6) with or without the project in 2020. (Significant)	SCA Trans-1: Parking and Transportation Demand Management <i>Prior to issuance of a final inspection of the building permit.</i> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. The intent of the TDM Plan shall be to reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable consistent with the potential traffic and parking impacts of the project. The goal of the TDM shall be to achieve the following project vehicle trip reductions (VTR): • Projects generating 50 – 99 net new AM or PM peak hour vehicle trips: 10 percent VTR • Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR The TDM plan shall include strategies to increase pedestrian, bicycle, transit, and carpool/vanpool use, and reduce parking demand. All four modes of travel shall be considered, as appropriate. VTR strategies to consider include, but are not limited to, the following:	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-1	a. Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. b. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping. c. 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 and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. d. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. e. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. f. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes. h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario3).			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-1 (cont.)	i. Guaranteed ride home program for employees, either through 511.org or through separate program. j. Pre-tax commuter benefits (commuter checks) for employees. k. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools. m. Distribution of information concerning alternative transportation options n. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. o. Parking management strategies; including attendant/valet parking and shared parking spaces. p. Requiring tenants to provide opportunities and the ability to work off-site. q. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). r. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy proposed based on published research or guidelines. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-1 (cont.)	The project applicant shall implement the approved TDM Plan on an ongoing basis. For projects that generate 100 or more net new AM or PM peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.			
	Mitigation Measure TRANS-1: Implement the following measures at the 24th Street/ Broadway intersection. • Signalize the intersection providing actuated operations, with permitted left-turns on all movements, • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. • To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Plans, Specifications, and Estimates (PS&E) to modify intersection. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below:	Submittal prior to issuance of a building permit Implement approved improvements identified in the PS&E prior to final inspection of the building permit	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E Confirm that improvements are designed and implemented pursuant to approved PS&E.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-1 (cont.)	- 2070L Type Controller with cabinet assembly - GPS communications (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) - Countdown pedestrian head module switch out - City standard ADA wheelchair ramps - Video detection on existing (or new, if required) - Mast arm poles, full actuation (where applicable) - Polara push buttons (full actuation) - Bicycle detection (full actuation) - Pull boxes - Signal interconnect and communication with trenching (where applicable), or through (E) conduit (where applicable)- 600 feet maximum - Conduit replacement contingency - Fiber Switch - PTZ Camera (where applicable) - Transit Signal Priority (TSP) equipment consistent with other signals along Broadway • Signal timing plans for the signals in the coordination group. • The project sponsor shall fund the cost of preparing and implementing these plans. If the City adopts a transportation fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant. A straight line interpolation of intersection traffic volume between Existing Plus Project and 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2020. Investigation of the need for this mitigation shall be studied at the time of construction and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. - After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour. No secondary impacts would result from implementation of this measure.			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-2: The 2013 Modified Project would add more than 10 peak hour trips to 23rd Street/Broadway intersection (#7) which would meet peak-hour signal warrant (Significance Threshold #6) with or without the project in 2020. (Significant)	SCA Trans-1: Parking and Transportation Demand Management (see Impact TRANS-1)	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan
	Mitigation Measure TRANS-2: Implement the following measures at the 23rd Street/ Broadway intersection. - Signalize the intersection providing actuated operations, with permitted left-turns on all movements, - Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: - Plans, Specifications, and Estimates (PS&E) to modify the intersection as detailed in Mitigation Measure TRANS-2. - Signal timing plans for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing these plans. If the City adopts a transportation fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant. A straight line interpolation of intersection traffic volume between Existing Plus Project and 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2020. Investigation of the need for this mitigation shall be studied at the time of construction and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. After implementation of this measure, the intersection would improve to LOS A during the AM peak hour and LOS B during the PM peak hour. No secondary impacts would result from implementation of this measure.	Submittal prior to issuance of a building permit Implement approved improvements identified in the PS&E prior to final inspection of the building permit	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E Confirm that improvements are designed and implemented pursuant to approved PS&E.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-3: The 2013 Modified Project would add more than 10 peak hour trips to 24th Street/Broadway intersection (#5) which would meet peak-hour signal warrant (Significance Threshold #6) with or without the project in 2035. (Significant)	SCA Trans-1: Parking and Transportation Demand Management (see Impact TRANS-1)	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan
Impact TRANS-3 (cont.)	Mitigation Measure TRANS-3: Implement Mitigation Measure TRANS-1.			
Impact TRANS-4: The 2013 Modified Project would add more than 10 peak hour trips to 23rd Street/Broadway intersection (#7) which would meet peak-hour signal warrant (Significance Threshold #6) with or without the project in 2035. (Significant)	SCA Trans-1: Parking and Transportation Demand Management (see Impact TRANS-1)	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan
	Mitigation Measure TRANS-4: Implement Mitigation Measure TRANS-2.			
Impact TRANS-5: The 2013 Modified Project would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) at the Grand Avenue/Broadway intersection (Intersection #13) which would operate at LOS F during the PM peak hour in 2035 with or without the project. (Significant)	SCA Trans-1: Parking and Transportation Demand Management (see Impact TRANS-1)	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Impact TRANS-5 (cont.)	Mitigation Measure TRANS-5: Implement the following measures at the Grand Avenue/Broadway intersection: - Provide permitted-protected left-turn phasing for the northbound approach. - Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). - Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. - To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: - Plans, Specifications, and Estimates (PS&E) to modify intersection as described under Mitigation Measure TRANS-1. The project sponsor shall fund the cost of preparing and implementing these plans. If the City adopts a transportation fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant. A straight line interpolation of total intersection and critical movement v/c ratio between 2020 Plus Project and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2034. Investigation of the need for this mitigation shall be studied at the time of construction and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	Submittal prior to issuance of a building permit Implement approved improvements identified in the PS&E prior to final inspection of the building permit	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E Confirm that improvements are designed and implemented pursuant to approved PS&E.
Pedestrian Safety: Although not required by CEQA, the following recommendation, which will be imposed as a Condition of Approval, would improve pedestrian crossings on Telegraph Avenue at 23rd and 24th Streets because the 2013 Modified Project would increase both pedestrian and vehicular traffic at both intersections, which are about 300 feet west of the project site.	Recommendation TRANS-6: Implement the following measures: - Upgrade existing unsignalized crosswalk on Telegraph Avenue at 23rd Street with bulbouts on both sides of Telegraph Avenue, ladder striped crosswalk, and advance yield-line on the southbound Telegraph Avenue approach. - Upgrade existing unsignalized crosswalk on Telegraph Avenue at 24th Street with bulbouts on both sides of Telegraph Avenue, ladder striped crosswalk, advance yield line on the southbound Telegraph Avenue approach. - Coordinate with AC Transit to design the bulbout along northbound Telegraph Avenue at 24th Street to accommodate the existing bus stop and provide additional amenities such as shelter and bench.	Submittal prior to issuance of a building permit Implement approved improvements identified in the PS&E prior to final inspection of the building permit	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E Confirm that improvements are designed and implemented pursuant to approved PS&E.

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Transportation, Circulation, and Parking (cont.)				
Bicycle Parking: Although not required by CEQA, the following recommendation will be imposed as a Condition of Approval.	Recommendation TRANS-7: Although not required to address an adverse environmental impact, the following should be considered in regards to bicycle parking: - Locate short-term bicycle parking throughout the site near building entrances. - To the extent feasible, locate long-term bicycle parking for the residential components of the project in the residential parking facilities. - To the extent feasible, locate long-term parking for the non-residential components of the project in either individual buildings or in a central location in the parking lot. - Ensure the short-term bicycle parking on sidewalks do not block pedestrian circulation. - Ensure that some short-term bicycle parking spaces can accommodate bicycles with trailers. - Monitor the usage of long-term and short-term bicycle parking spaces and if necessary provide additional parking spaces.	Submittal prior to issuance of a building permit Implement approved improvements identified in the PS&E prior to final inspection of the building permit	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve PS&E Confirm that improvements are designed and implemented pursuant to approved PS&E.
Vehicle Parking: Although not required by CEQA, the following recommendation will be imposed as a Condition of Approval.	Recommendation TRANS-8: Although not required to address an adverse environmental impact, the following strategies, to further implement SCA Trans-1, should be considered to reduce project parking demand and better manage the available parking supply: - Unbundle the residential parking spaces from the residential units, where reserved parking spaces for residents could be leased separately from the housing. - Make any unused residential parking spaces available to non-residential uses in the project. - Provide attendant parking during the peak demand periods - Limit most parking spaces in the shared parking lot to two hours or less so that they are available to project visitors. - Provide parking for most project employees remotely, such as nearby garages.	Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan.	City of Oakland Department of Planning & Building Oakland Public Works Agency, Traffic Services Division City of Oakland- Building Services Division, Zoning Inspection.	Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Biological Resources				
Tree Removal: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to biological resources, the following SCA is applicable to the 2013 Modified Project. This SCA is not necessary to reduce impacts under CEQA but is listed here as an update to the regulatory setting of biological resources.	SCA BIO-1: Tree Removal Permit <i>Prior to issuance of a demolition, grading, or building permit. Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.</i>	Prior to issuance of a demolition, grading or building permit.	City of Oakland Public Works Agency-Tree Services Division City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection.	Confirm issuance of a tree removal permit and that all conditions of that permit are being implemented and complied with
	SCA: BIO-2: Tree Replacement Plantings <i>Prior to issuance of a final inspection of the building permit. Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</i> a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division. c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. d) Minimum planting areas must be available on site as follows: i. For Sequoia sempervirens, three hundred fifteen square feet per tree; ii. For all other species listed in #2 above, seven hundred (700) square feet per tree. e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Biological Resources (cont.)				
Tree Removal (cont.)	f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.	Submittal prior to issuance of a final inspection of the building permit.	City of Oakland Public Works Agency-Tree Services Division City of Oakland Department of Planning & Building	Review and approve landscape and tree replacement plan Confirm implementation of the landscape and tree
Geology and Soils				
Seismicity: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to geology and soils, the following SCAs are applicable to the 2013 Modified Project and are included here as an update to regulatory discussion provided for the geology and soils analysis in the Initial Study of the 2004 EIR.	SCA GEO-1: Soils Report Required as part of the submittal of a Tentative Tract or Tentative Parcel Map. A preliminary soils report 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. 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: A. Logs of borings and/or profiles of test pits and trenches: - 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. - The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. - All boring logs shall be included in the soils report. B. Test pits and trenches - Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. - Soils profiles of all test pits and trenches shall be included in the soils report. 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. 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	Submittal with Tentative Tract or Tentative Parcel Map.	City of Oakland Department of Planning & Building City of Oakland, - Building Services Division, Zoning Inspection	Review and approve report

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Geology and Soils (cont.)				
Seismicity (cont.)	the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit. E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following: a) Site description; b) Local and site geology; c) Review of previous field and laboratory investigations for the site; d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building; e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist; f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required; g) 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; h) All other items which a Soils Engineer deems necessary; i) The signature and registration number of the Civil Engineer preparing the report. F. The Director of Planning and Building 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.			
	SCA GEO-2: Geotechnical Report Required as part of the submittal of a tentative Tract Map or tentative Parcel Map. 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	Submittal with Tentative Tract or Tentative Parcel Map(s)	City of Oakland, Building Services Division	Review and approve site-specific, design level geotechnical investigation report; Review and approve measures from the report are in final project plans;

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Geology and Soils (cont.)				
Seismicity (cont.)	submitted for review and approval by the Building Services Division. Specifically: 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 polices, 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 projects design phase, shall be incorporated in the project. 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. 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 subdiviver of further geologic and engineering studies to more adequately define active fault traces. b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.		Confirm all measures are being implemented or complied with during construction	

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hydrology and Water Quality				
Erosion: Although neither the Original Project nor (as discussed below) the 2013 Modified Project would result in significant impacts with respect to hydrology and water quality, the SCAs listed here are applicable to the 2013 Modified Project and are included here as an update to regulatory discussion provided for the hydrology and water quality analysis in the Initial Study of the 2004 EIR.	SCA HYD-1: Erosion and Sedimentation Control Plan <i>Prior to any grading activities.</i> 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 for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment. <i>Ongoing throughout grading and construction activities.</i> 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.	Submittal prior to any grading activities Ongoing throughout grading and construction activities	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection	Review and approve Erosion and Sedimentation Control Plan; Confirm that all applicable measures are being implemented or complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hydrology and Water Quality (cont.)				
Erosion (cont.)	SCA HYD-2: Stormwater Pollution Prevention Plan (SWPPP) <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	Submittal prior to applying for first building permit; Submit copy of approved SWPP prior to issuance of first building permit; Ongoing throughout demolition, grading, and/or construction activities	City of Oakland Department of Planning & Building City of Oakland -Building Services Division, Zoning Inspection	Review and approve SWPPP. Confirm that required NOI and SWPPP is filed with SWRCB; Confirm that all measures are being implemented or complied with Confirm that Notice of Termination is filed with SWRCB
	SCA HYD-3: Post-Construction Stormwater Management Plan <i>Prior to issuance of building permit (or other construction-related permit).</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.	Submit plan prior to issuance of building permit (or other construction-related permit) Implement prior to final building permit inspection	City of Oakland Department of Planning & Building City of Oakland - Building Services Division, Zoning Inspection	Review and approve Post-Construction Stormwater Management Plan Confirm all measures in the Plan are being implemented or complied with

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hydrology and Water Quality (cont.)				
Erosion (cont.)	a) The post-construction stormwater management plan shall include and identify the following: ▪ All proposed impervious surface on the site; ▪ Anticipated directional flows of on-site stormwater runoff; and ▪ Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and ▪ Source control measures to limit the potential for stormwater pollution; ▪ Stormwater treatment measures to remove pollutants from stormwater runoff; and ▪ Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit. b) The following additional information shall be submitted with the post-construction stormwater management plan: - Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and - Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project. All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program. <i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater management plan.			

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Hydrology and Water Quality (cont.)				
Erosion (cont.)	SCA HYD-4: Maintenance Agreement for Stormwater Treatment Measures <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following: i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.	Submittal prior to final zoning inspection	City of Oakland, Public Works Agency, Sewer & Stormwater Division City of Oakland Department of Planning & Building City of Oakland - Building Services Division, Zoning Inspection.	Review and approve the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit. Confirm recordation at County Recorder's Office
Public Services				
Service Demand: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to public services, the SCA listed here is applicable to the 2013 Modified Project and is included here as an update to regulatory discussion provided for the public services analysis in the Initial Study of the 2004 EIR.	SCA PS-1: Fire Safety Phasing Plan <i>Prior to issuance of a demolition, grading, and/or construction permit.</i> The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.	Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal	City of Oakland, Fire Prevention Bureau; City of Oakland-Building Services Division, Zoning Inspection; City of Oakland Department of Planning & Building	Review and approve plan Ensure that the plan adequately addresses fire hazards associated with the project
Utilities and Services Systems				
Waste Generation: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to utilities and service systems, the	SCA UTL-1: 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.	Submit plan prior to issuance of demolition, grading, or building permit; Ongoing	City of Oakland, Building Services Division City of Oakland Department of Planning & Building	Review and approve WRRP and ODP requirements; Confirm implementation of the WRRP and ODP during construction

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Utilities and Services Systems (cont.)				
SCAs listed here are applicable to the 2013 Modified Project and are included here as an update to regulatory discussion provided for the utilities and services systems analysis in the Initial Study of the 2004 EIR.	<i>Prior to issuance of demolition, grading, or building permit.</i> 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. <i>Ongoing.</i> The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.		City of Oakland, Public Works, Environmental Services	Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility
Stormwater and Sewer: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to utilities and service systems, the SCAs listed here are applicable to the 2013 Modified Project and are included here as an update to regulatory discussion provided for the utilities and services systems analysis in the Initial Study of the 2004 EIR.	SCA: UTL-2 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 proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.	Submittal prior to completing the final design for the project's sewer service	City of Oakland-Building Services Division, Zoning Inspection City of Oakland Department of Planning & Building City of Oakland Public Works Department, Sewer and Stormwater Division	Review and approve capacity and state of repair for any necessary stormwater and sanitary sewer infrastructure improvements Confirm that the project applicant pays additional fees for any City improvements to the sanitary sewer system, as well as any fees to the affected services providers Confirm that BMPs to reduce stormwater runoff are implemented

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Utilities and Services Systems (cont.)				
Green Building: Although neither the Original Project nor the 2013 Modified Project would result in significant impacts with respect to utilities and service systems, the SCAs listed here are applicable to the 2013 Modified Project and are included here as an update to regulatory discussion provided for the utilities and services systems analysis in the Initial Study of the 2004 EIR.	SCA: UTL-3 Compliance with the Green Building Ordinance, OMC Chapter 18.02 <i>Prior to issuance of a demolition, grading, or building permit. The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.</i> a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit: - Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards. - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below. - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. b) The set of plans in subsection (a) shall demonstrate compliance with the following: - CALGreen mandatory measures. - All pre-requisites per either the LEED or GreenPoint Rated checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.	Prior to issuance of a demolition, grading, or building permit; or during construction or after construction as specified in this SCA.	City of Oakland-Building services Division, Zoning Inspection	Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility

BROADWAY-WEST GRAND MIXED USE PROJECT ADDENDUM #3 SCAMMRP

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility Responsible Implementing Entity	Monitoring Procedure
Utilities and Services Systems (cont.)				
Green Building (cont.)	iii. Specific green building point level and certification requirement will be determined for each building within the Project Site in accordance with the Green Building Ordinance per the appropriate checklist approved during the Planning entitlement process. iv. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted. v. The required green building point minimums in the appropriate credit categories. <i>During construction.</i> The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02. a) The following information shall be submitted to the Building Inspections Division of the Building Services Division for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <i>After construction, as specified below.</i> Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to either Build It Green or Green Building Certification Institute and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.			

EXHIBIT B

Fast-Food Restaurants and Drive-Through Non-Residential Facilities Guidelines for Development and Evaluation



Oakland **ZONING CODE BULLETIN**

DATE: May 1, 1996
TO: Zoning Staff
FROM: Willie Yee, OPB Zoning Division
RE: Fast Food Restaurants - Defining Characteristics.

The following bulletin clarifies the definition of a Fast Food establishment, as amended by the City Council in 1989 (Ordinance No. 11085 C.M.S.), in order to provide clearer guidance to planning staff evaluating new food service proposals. The current application of the Fast Food definition is too broad and often includes establishments that were never intended to be controlled by the Fast Food regulations

This code bulletin specifically addresses the Intent and Defining Characteristics of Fast Food establishments, and identifies Typical Non-Fast Food Businesses. Also include is the key portion of the Fast Food guidelines (100-18) that is clarified by this bulletin.

INTENT

The original intent of the Fast Food Restaurant provisions was to regulate those businesses that have characteristics similar to McDonald's, Burger King, etc... The concern was primarily associated with: (1) neighborhood blight, created when these freestanding facilities closed; (2) traffic impacts from drive through facilities; and (3) litter and loitering problems.

DEFINING CHARACTERISTICS

A Fast Food Restaurant is any retail-food-sales establishment that meets the definition of Section 2362

Fast Food Restaurant Commercial Activities include the retail sale of ready-to-eat cooked foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast Food Restaurants may also exhibit other design and operating characteristics, including: (1) a limited menu; (2) food is typically ordered at a service counter; (3) food is paid for prior to consumption; (4) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain other accessory activities as specified in Section 2211.

fastfood.wpm

ZONING DIVISION
Office of Planning and Building

WILLIE YEE
Zoning Manager



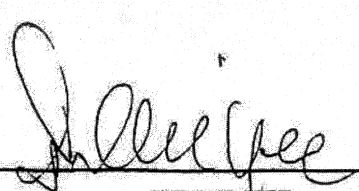
Oakland **ZONING CODE BULLETIN**

ZONING TEXT CLARIFICATION

This code bulletin modifies the Fast Food Guideline (100-18) by invalidating the sentence beginning with "Ice cream parlors" and ending with ... "this definition" (page 2 of Guidelines).

fastfood.wpm

ZONING DIVISION
Office of Planning and Building


WILLIE YEE
Zoning Manager

