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CITY OF OAKLAND 2012 MAR -9 AM 10: 31

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Central District Time and Fiscal Limit Extensions

DATE: March 8, 2012

City Administrator Approval Deanna Santana

Date 3/9/12

COUNCIL DISTRICT: # 3 and 4

RECOMMENDATION

Staff recommends that the City Council adopt the following pieces of legislation:

An Ordinance, by the City of Oakland under its own auspices, adopting the Seventeenth Amendment to the Central District Redevelopment Plan, designated and adopted as the "Central District Urban Renewal Plan" in 1969, to (1) extend the Time Limits on Plan Effectiveness and the Receipt of Tax Increment Revenues by Ten Years, (2) increase the Cap on Tax Increment Revenues, (3) extend the Time Limit for use of Eminent Domain and Restrict Eminent Domain to Nonresidential Properties, (4) amend Affordable Housing Provisions, and (5) make other Required Changes.

An Ordinance, by the City of Oakland under its own auspices, adopting the Eighteenth Amendment to the Central District Redevelopment Plan, designated and adopted as the "Central District Urban Renewal Plan" in 1969, to extend the Time Limits on Plan Effectiveness and the Receipt of Tax Increment Revenues by One Year.

A Resolution Certifying and Making Findings as to the Final Environmental Impact Report on Proposed Amendments to the Central District Redevelopment Plan, designated and adopted as the "Central District Urban Renewal Plan" in 1969, and Adopting Mitigation Measures and a Mitigation Monitoring and Reporting Program.

EXECUTIVE SUMMARY

Staff is recommending final passage of the time and fiscal extensions of the Central District Redevelopment Plan, notwithstanding the dissolution of the Redevelopment Agency, in order to give the City as successor to the Redevelopment Agency the legal authority to complete performance of the Agency's enforceable obligations in the Central District.

Item: _____
City Council
March 20, 2012

The state dissolution legislation did not immediately end all redevelopment activity nor did it repeal most of redevelopment law, other than the existence of redevelopment agencies themselves. Following dissolution, the City stepped in as successor agency to the Redevelopment Agency to complete performance on existing enforceable obligations and otherwise wind down the affairs of the Agency. Redevelopment plans and project areas in Oakland are still in effect and will govern the wind-down of redevelopment activities by the City as successor agency and successor housing agency, as they governed the activities of the former Agency. And the City as successor agency is still subject to the redevelopment plan time limits and other limitations in exercising its authority to complete performance on existing enforceable obligations.

Under the current Central District Redevelopment Plan, the authority of the City as successor agency to act in the Central District expires on June 12, 2012. Therefore, notwithstanding dissolution of the Agency, staff recommends that the City move forward with final passage of the pending fiscal and time extensions for the Central District redevelopment plan in order for the City as successor agency to be able to perform on Central District enforceable obligations after June. Without such a time extension, the City will have no legal authority to perform on any of the enforceable obligations in the Central District listed in the Enforceable Obligations Payment Schedule (EOPS) or the Recognized Obligation Payment Schedule (ROPS), or to undertake any other activities in the Central District needed to wind down the affairs of the Redevelopment Agency.

Moreover, in the event that redevelopment is reconstituted in the future by the California legislature in some form that works with existing project areas, it would be in the best interests of the City for the Central District to still be active. Extending the Central District time and fiscal limits will keep the Central District alive for possible future redevelopment activities.

On September 20, 2011, the former Redevelopment Agency and the City held and closed a joint public hearing for proposed amendments to the Central District redevelopment plan. However, due to uncertainties at the time regarding the authority of the Agency to adopt redevelopment plan amendments, staff asked that Council and the Agency refrain at the hearing from taking action on any of the proposed amendments.

Under redevelopment law, redevelopment plan amendments are adopted by the City under its own auspices, not as successor agency. The dissolution legislation does not restrict the authority of a city under its own auspices from adopting a time or fiscal extension plan amendment, nor does the legislation require oversight board review or approval of such an amendment.

OUTCOME

The proposed amendments will provide the City, acting in its capacity as successor agency to the Redevelopment Agency, with the legal authority needed to complete performance of the Agency's enforceable obligations in the Central District, as listed on the EOPS and ROPS. The proposed amendments will:

- Extend the time limit for Redevelopment Plan effectiveness by eleven years, from June 12, 2012, to June 12, 2023;
- Extend the time limit for tax increment collection by eleven years, from June 12, 2022, to June 12, 2033;
- Increase the limit on the amount of tax increment revenue that the City as successor agency may claim from the Project Area from the current limit of $1.3 billion to a new limit of $3.0 billion;
- Extend the time limit for eminent domain authority for the remaining life of the Redevelopment Plan, but restrict eminent domain to nonresidential properties;
- Update affordable housing provisions to conform to the requirements of redevelopment law in connection with the time extension amendments, including applying the affordable housing area production obligation to the entire Project Area and increasing the set-aside of tax increment funds to the Low and Moderate Income Housing Fund from 25 percent to 30 percent; and
- Make other required changes pursuant to the requirements of redevelopmeht law.

BACKGROUND/LEGISLATIVE HISTORY

The Central District Project Area

An extensive discussion on the formation and legislative history of the Central District Project Area is included in the attached staff report dated September 13, 2011. The existing time limit for Plan effectiveness in the Project Area (other than the 2001 Amendment Area) will expire on June 12, 2012. Although redevelopment agencies have been dissolved, redevelopment plans are still effective and govern the successor agency in the completion and wind down of redevelopment activities in the project area.

Redevelopment Dissolution Legislation (ABX1 26)

On December 29, 2011, the California Supreme Court upheld state legislation, ABX1 26, which dissolved all redevelopment agencies in California. The Court also established the dissolution date for redevelopment agencies as February 1, 2012.

Among other things, the dissolution process required the designation of a successor agency to the Redevelopment Agency. The successor agency, under the oversight of an oversight board, is responsible for winding up the former redevelopment agency's obligations and affairs, including performing on the remaining enforceable obligations of the former redevelopment agency. On January 10, 2012, the City Council designated the City of Oakland to serve as the successor agency and the housing successor to the former Redevelopment Agency. The City Council as governing body of the Agency has also adopted an EOPS and will in the near future adopt a ROPS listing the remaining enforceable obligations of the Agency, including many obligations related to activities in the Central District.

Public Hearing on the Plan Amendments

On September 20, 2011, the former Agency and the City Council held and closed a joint public hearing on the proposed amendments. However, due to uncertainties at the time regarding the authority of the Agency to adopt redevelopment plan amendments, staff asked that Council and the Agency refrain at the hearing from taking action on any of the proposed amendments. At this time, notwithstanding dissolution of the Agency on February 1, 2012, the City should move forward with final passage of the proposed fiscal and time extensions.

As was mentioned in the Council report for the September 20 public hearing, in order for the City to adopt the proposed amendments, redevelopment law requires that the City document that significant blight remains within the Project Area, and that this blight cannot be eliminated without the extension of time and fiscal limits to the Redevelopment Plan. The City must also describe the proposed methods of financing for existing and new projects and programs in the Project Area, and demonstrate the financial feasibility of the redevelopment program as extended. A report to Council covering this information in great detail can be found at the following link:

http://www2.oaklandnet.eom/Govemment/o/CEDA/o/Redevelopment/o/CentralDistrict/index.htm

The staff report that was presented at the public hearing on September 20, 2011 is attached to this report as ***Attachment A***.

ANALYSIS

The City is the successor agency to the Agency. A successor agency has all authority, rights, powers, duties and obligations previously vested with the former redevelopment agency under redevelopment law, other than those repealed, restricted or revised by ABX1 26. A successor agency is empowered to complete performance on enforceable obligations listed on its approved ROPS, but this power is subject to any limitations on redevelopment activities set forth in state

redevelopment law or the former redevelopment agency's redevelopment plan, including plan time limits and tiscal limits. Successor agencies are given no more authority than the authority held by the redevelopment agencies that they replaced.

There are enforceable obligations of the dissolved Agency related to activities in the Central District that will now be the responsibility of the City acting in its capacity as successor agency and housing successor. As a result, the City will need to continue certain activities in the Central District after current Redevelopment Plan time limits expire. This can be done only by extending those time limits. Without the proposed plan amendments, the Central District will expire on June 12, 2012, and the City as successor to the Agency will have almost no legal authority to perform on its contractual and legal enforceable obligations.

Moreover, in the event that redevelopment is reconstituted by the California legislature in the future in some form that works with existing project areas, current time and tiscal limits for the Central District should be extended by the proposed amendments so that the City will be able to use its reconstituted authority in the Central District.

Please note that under redevelopment law, redevelopment plan amendments are adopted by the City under its own auspices, not as successor agency. ABX1 26 does not restrict the authority of a city under its own auspices from adopting a time or tiscal extension plan amendment, nor does ABX1 26 require oversight board review or approval of such an amendment.

POLICY ALTERNATIVES

Alternative	No passage of proposed tiscal and time extensions for the Project Area
Pros	There are no benetits associated with not extending the tiscal and time limits for the Project Area
Cons	- Without an extension, the City as successor agency will not have the legal authority necessary to complete its enforceable obligations in the Central District after June 12, 2012, since all Plan activities would need to cease after that date. - If redevelopment is reconstituted by the California Legislature in a form that involves existing project areas or redevelopment plans, the legal authority to act in the Central District will have expired and the City will not be able to take advantage of any reconstituted powers to continue redevelopment in the Central District.
Reason for not recommending	Since the City and the former Agency have completed all legally required steps in the adoption process for the proposed amendments, including extensive mailings of the public notices for the joint public hearing, and holding and closing the public

	hearing on September 20, 2012, adoption of the proposed legislation for the Project Area will preserve the City's ability to complete performance on Central District enforceable obligations, including those pertaining to affordable housing in the Project Area., and otherwise wind down the affairs of the former Redevelopment Agency in the Central District

PUBLIC OUTREACH/INTEREST

In the process of preparing the proposed amendments, staff consulted with residents and community organizations in the Project Area. Staff invited residents and community organizations to an informational session on the proposed amendments on April 27, 2011. On June 14, 2011, staff met with members of the Chinatown Chamber of Commerce to discuss the Plan amendments and solicit feedback. Additionally, the former Agency made available the Preliminary Report serving as the report to State departments, and other documents associated with the Redevelopment Plan amendments on the Agency's website, as well as the City Clerk's Office, so that the general public would have an opportunity to review and comment on the documents prepared for the plan amendments.

In addition to this public outreach, the former Agency and the City held and closed a joint public hearing on September 20, 2011. Staff sent out public notices announcing the meeting to all businesses, property owners, and residents in the Project Area. The hearing was also advertised in the Oakland Tribune once a week for four successive weeks prior to the public hearing.

COORDINATION

Preparation of the Preliminary Report and the Environmental Impact Report required consultation with the City Attorney's Office, the Budget Office, and the Planning Department to determine the scope and to review the content of the EIR.

COST SUMMARY/IMPLICATIONS

The attached report dated September 13, 2011, presents an overview of the fiscal impact of the proposed amendments as they related to the Agency before it was eliminated by the State.

FISCAL/POLICY ALIGNMENT

The fiscal impacts listed in the attached September 13, 2011 staff report are currenfiy inapplicable given the dissolution of the Agency and the elimination of tax increment financing as a primary revenue source for economic development projects. However, in the event that additional tax increment should be required by the successor agency to perform on Central District enforceable obligations, including those pertaining to affordable housing, after expiration of the Project Area's current fime limit of June 12, 2012, it is important to extend these fime and fiscal limits in order to have such financial and other legal resources available, if necessary.

SUSTAINABLE OPPORTUNITIES

The attached staff report of September 13, 2011, details the sustainable opportunifies that would have resulted from the plan amendments if the Agency had not been dissolved. At this time, any such sustainable opportunities related to the proposed plan amendments will be limited to those projects currently listed on the EOPS.

CEQA

The California Environmental Quality Act provides that all public and private undertakings pursuant to a redevelopment plan shall constitute a single project, and that a programmatic EIR will be appropriate for purposes of the redevelopment plan adoption or amendment process. On July 6, 2011, the Planning Commission held a public hearing and received testimony on the Final EIR on the Proposed Amendments. After closing the public hearing, the Planning Commission adopted the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP); adopted the CEQA findings for the project, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations; and recommended adoption of the proposed amendments to the City Council.

For questions regarding this report, please contact Jens Hillmer, Urban Economic Coordinator at 238-3317.

Respectfully submitted,

Fred Blackwell, Assistant City Administrator

Reviewed by:
Gregory D. Hunter, Neighborhood Investment Officer

Prepared by:
Jens Hillmer, Urban Economic Coordinator
Office of Neighborhood Investment

Attachment A: Staff report presented to CED Committee on September 13, 2011, and to joint public hearing of the City Council and Redevelopment Agency on September 20, 2011

ATTACHMENT A

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REDEVELOPMENT AGENCY AND THE CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City/Agency Administrator
ATTN: Deanna J. Santana
FROM: Community and Economic Development Agency
DATE: September 13, 2011

RE: A Joint Public Hearing of the City Council and the Redevelopment Agency on Proposed Amendments to the Central District Urban Renewal Plan to (1) Extend the Time Limits on Plan Effectiveness and the Receipt of Tax Increment Revenues by Eleven Years, (2) Increase the Cap on Tax Increment Revenues, (3) Extend the Time Limit for Use of Eminent Domain and Restrict Eminent Domain to Nonresidenfial Properties, (4) Amend Affordable Housing Provisions, and (5) Make other Required Changes

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SUMMARY

Staff of the Community and Economic Development Agency is presenting for a joint City and Redevelopment Agency public hearing a proposed 17th amendment (the "17th Amendment") and 18th amendment (the "18th Amendment") to the Central District Urban Renewal Plan (the "Redevelopment Plan") to extend certain time and fiscal limits for the Central District Redevelopment Project Area (the "Central District" or the "Project Area"), and to update certain affordable housing provisions. However, due to uncertainties regarding the authority of the Agency to adopt redevelopment plan amendments, in view of recent legislation suspending redevelopment activities and the limited stay of parts of that legislation by the California Supreme Court, staff is asking that Council and the Agency refrain at this time from taking action on any of the proposed amendments. Staff will return to Council at a later date following resolution of the lawsuit for adopfion of the legislation (or its alternative as discussed more specifically below) needed to enact the proposed amendments.

The proposed amendments will provide the Redevelopment Agency with additional financial and legal resources needed to address remaining blighting conditions and promote economic development in the Project Area, and to further the City's and Agency's goals to increase the community's supply of affordable housing. The proposed amendments will:

- Extend the time limit for Redevelopment Plan effectiveness by eleven years, from June 12, 2012 to June 12, 2023;
- Extend the time limit for tax increment collection by eleven years, from June 12, 2022 to June 12, 2033;
- Increase the limit on the amount of tax increment revenue that the Agency may claim from the Project Area from the current limit of $1.3 billion to a new limit of $3.0 billion;
- Extend the time limit for eminent domain authority for the remaining life of the Redevelopment Plan, but restrict eminent domain to nonresidential properties;

- Update affordable housing provisions to conform to the requirements of California Redevelopment Law (CRL) in connection with the time extension amendments, including applying the affordable housing area production obligation to the entire Project Area and increasing the set-aside of tax increment funds to the Agency's Low and Moderate Income Housing Fund (the "Affordable Housing Fund") from 25 percent to 30 percent; and
- Make other required changes pursuant to the requirements of the CRL.

In order for the Agency to adopt the proposed amendments, the CRL requires among other things that the Agency find and document that significant blight remains within the Project Area, and that this blight cannot be eliminated without the extension of time and fiscal limits to the Redevelopment Plan. The Agency must also describe the proposed methods of financing for existing and new projects and programs in the Project Area, and demonstrate the financial feasibility of the redevelopment program as extended. A Report to Council including this information is attached to this report as ***Attachment A***.

FISCAL IMPACT

Proposed Amendments

The proposed amendments to the Redevelopment Plan will extend the Agency's collection of tax increment by eleven years, from Fiscal Year (FY) 2021-22 to FY 2032-33 (and FY 2047/48 for the 2001 Amendment Area). This extension will continue to reduce the City's portion of property taxes from the Project Area that reverts to the General Fund for this period. The estimated loss to the City of Oakland's General Fund in property tax revenue from FY 2017-18 (which is the fiscal year after which the current tax increment limit of $1.3 billion for the Project Area will be reached) to FY 2047-48 is $380.4 million (which is calculated by subtracting the mandatory cumulative pass-through amount of $80.5 million due to the City until FY 2047-48, if the proposed legislation is adopted, from the cumulative amount of $460.9 million in tax increment that would be received by City if the legislafion is not enacted). However, over the life of the proposed extensions of the Redevelopment Plan's time limits on plan effectiveness and the receipt of tax increment revenues beginning in FY 2010-11 and ending in FY 2047-48, the Agency is projected to receive about $1.3 billion in additional net tax increment revenue in nominal (not adjusted for inflation) dollars for new redevelopment activities in the Central District, which is significantly more money than the City would receive from its share of property taxes generated in the Project Area if the proposed amendments to the Redevelopment Plan were not adopted.

Reasons for Proposed Amendments

One of the main purposes of the proposed amendments is to provide the Agency with the necessary financial resources to complete the goals of the Redevelopment Plan for the Project Area. Without the amendments, the Agency will have insufficient time and financial capacity to complete the redevelopment activities needed to eliminate blight in the Project Area.

In FY 2010-11, the Central District generated approximately $52.4 million in gross tax increment revenues, of which approximately $13.1 million were allocated toward the production of affordable housing. Without the proposed amendments, the Redevelopment Plan's time limit on tax increment receipts will expire on June 12, 2022. Extending the time limit on tax increment receipts will provide the Agency with eleven more years of additional tax increment revenue. Pursuant to the current Redevelopment Plan, the Agency may only collect up to $1.3 billion of total tax increment in the Project Area. The Agency proposes to increase this limit on the amount of tax increment revenue it can receive to an amount of up to $3.0 billion.

Since 1969, the Agency has received cumulative tax increment revenues of approximately $841.1 million through FY 2009-10 in the Project Area, leaving approximately $508.9 million to be collected under the existing limit of $1.3 billion, which is projected to be reached in FY 2017-18. Approximately $304.9 million of the remaining amount under the current tax increment cap is committed to existing bond debt and property tax rebates, leaving only $204.0 million for additional redevelopment projects and activities, and related administrative costs.

Over the life of the proposed Redevelopment Plan amendments beginning in FY 2010-11 and ending in FY 2047-48, the Agency is projected to receive about $2.0 billion in additional gross tax increment revenue in nominal dollars. After deductions of existing debt service ($304.9 million), pass-through payments to other taxing entities ($315.5 million), and all other Agency obligations (including projected administrative costs of approximately $181.0 million), the total tax increment revenue that would be available to the Agency for all housing and non-housing redevelopment activities is $601.5 million and $598.6, respectively for a total of $1.2 billion in nominal dollars, or $575.0 million in constant FY 2010-11 dollars. It is anticipated that the Agency will use these tax increment revenues to leverage about $4.1 billion (nominal dollars) from other sources such as private investment, and state and federal funding sources. These funds should be sufficient to complete the Agency's redevelopment program (including the Agency's affordable housing program), which is projected to require approximately $5.3 billion in nominal dollars. Increasing the tax increment limit from $1.3 billion by $1.7 billion for a total of $3.0 billion is therefore necessary for the Agency's ability to incur debt and encumber sufficient tax increment revenue from the Project Area to fund the redevelopment program and eliminate blight.

Use of Funds If Proposed Amendments Are Adopted

During the proposed plan extension period, the Agency will continue to reimburse City expenditures for stafting and general operations of the Agency, and cover additional City staff costs and funding for capital improvements to infrastructure and public facilities in the Project Area. The Agency will also use signiticant funds to 1) implement the Broadway Retail Strategy and other small retail projects under the Façade and Tenant Improvement Programs to increase sales tax revenue for the City; and 2) develop in partnership with the private sector other commercial real estate projects to increase property values, tax increment pass-throughs from the Agency to the City, and business taxes. Conservative estimates of sales tax increases generated by these cominued redevelopment activities would be in excess of $2.0 million per year.

Additional Payments
Adoption of the proposed amendments will also require an allocation of additional lax increment revenues to the Low and Moderate Income Housing Fund to raise the current contribufion from 25% to 30% of all tax increment revenue generated in the Project Area beginning in FY 2012-13. This will have several fiscal impacts to the Agency. In FY 2012-13, the Central District's net operafing budget will have a deficit of approximately $2.1 million due to this increase of $2.6 million in the set-aside for the Low and Moderate Income Housing Fund. Furthermore, in FY 2011-12 the Agency will use the remaining fund balance of the Central District for the purchase of the Henry J. Kaiser Convention Center from the City, and therefore have no operating reserves to make up the shortfall in the abovementioned operating budget in FY 2012-13. Moreover, if the Agency is required to make the payments to the stale that are required for the confinuation of the Agency under ABIX 27, there will be no fund balance remaining in the Central District to finance the first large payment required in FY 2011-12, or the smaller confinuing annual payments starting in FY 2012-13.

If the lawsuit by the California Redevelopment Agency and the League of California Cities is not successful, and the Project Area is required to pay its share of these annual payments, which would be approximately $2.9 million in FY 2012-13, the Central District operating budget would have a negative balance of approximately $5.0 million. It is not anticipated that tax increment revenues in the Project Area will increase sufficiently over the next couple of years to cover these projected shortfalls. The Agency would likely have to pursue a combination of selling its real estate assets in the Central District, decreasing or eliminating its programs and projects, and significantly reducing its current operating costs. It is assumed that the initial $39.4 million payment to the state in FY 2011-12 will not come from the Central District, since there is no tax increment or taxable bond funds available in the Central District that could be used for this payment.

Loss of Funds if Proposed Amendments Are Not Adopted
If the proposed amendments to the Redevelopment Plan are not adopted, the Project Area will only be able to apply any tax increment proceeds to payments for debt service and other existing financial obligations, such as property tax increment reimbursements, beginning in FY 2012-13 and ending in FY 2021-22. Any Agency funding for the redevelopment acfivilies briefly outlined above and more specifically described in the Report to Council will be eliminated and reimbursements to the City for the cost of Agency operations will be reduced to a minimum.

The projected increase in the City's share of property taxes from 4.4% lo 30.2% that would occur if the proposed legislation is not adopted will not begin unfil FY 2022-23, after expiration of the Agency's time limit on collecting lax increment to pay debt. As a result, the City would need to reduce or cut most of the approximately 41.5 Fuli Time Employees that are funded from the Central District in the Community and Economic Development Agency, and a portion of the general administrative departments (Mayor, City Council, Administrator, City Attorney, City Clerk, Finance, etc.), Police (five officers), and Public Works Agency starting next year in the mid-cycle of the FY 2011-13 budget as the Agency would no longer be permitted to cover most

of these expenses. Lastly, the City would lose approximately $477.7 million in Low and Moderate-Income Housing Funds for the development of affordable housing if the plan amendments are not approved.

BACKGROUND

The Central District Project Area

The Central District consists of three geographical components originally adopted between 1969 and 2001. The Project Area covers approximately 250 city blocks (828 acres) in an area generally bounded by I-980, Lake Merrill, 27th Street and the Embarcadero. On June 12, 1969, the City Council adopted the Redevelopment Plan for the Project Area. The City amended the Redevelopment Plan in August 1982, to add territory near the southwestern edge of Lake Merrill and adjacent to the Original Area (the "1982 Area"). At the time of the 1982 plan amendment, the 1982 Area consisted solely of land and buildings that were publicly owned or dedicated to public use. In July of 2001, the City amended the Redevelopment Plan to add territory west of the Interstate 880 (the "2001 Area"). The 2001 Area contained a mixture of industrial, commercial and residential uses.

On December 16, 1986, the City Council adopted Ordinance No. 10822 C.M.S., which among other things, set the limit on the number of tax increment revenues that may be divided among taxing entities and allocated to the Agency pursuant to the Redevelopment Plan at $1,348,862,000. The Redevelopment Plan also sets a limit on the number of dollars that may be divided and allocated to Ihe Agency from areas added to the Central District between 1979 and 2001 at $75,000,000.

On July 24, 2001, the City Council adopted Ordinance No. 12348 C.M.S., which among other things, established a time limit on the Agency's eminent domain authority in the Central District at June 12, 2009, for territory included in the Central District prior to June 1, 2001, and for 12 years after adoption of the plan extension amendment for the 2001 Area.

On December 21, 2004, the City Council adopted Ordinance No. 12641 C.M.S., which amended the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan for the Project Area to June 12, 2012, and extended the lime limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Project Area to June 12, 2022. Since its adoption, the Redevelopment Plan has been amended 16 times.

Extension of Time Limits on Plan Effectiveness and Receipt of Tax Increment

The 17th Amendment

Under legislation adopted in 2001 (SB 211), the CRL authorizes redevelopment agencies with redevelopment plans that were adopted on or before December 31, 1993, to extend the time limit on effectiveness of the Plan by an additional ten years. In addition, an Agency may extend the time limit on the payment of indebtedness and receipt of property taxes by an additional ten

years from the termination of its redevelopment plan. The redevelopment plan may be amended after the Agency finds, based on substantial evidence, that both of the following conditions exist: (1) significant blight remains within the project area; and (2) this blight cannot be eliminated without extending the effectiveness of the plan and receipt of property taxes.

The 18th Amendment
Under the CRL, redevelopment agencies that make required payments to the Supplemental Educational Revenue Augmentation Fund ("SERAF") in FY 2009-10 and FY 2010-11 are entitled to a one-year extension of their time limits. The Agency has made its mandated $41.1 million SERAF contribution for FY 2009-10 and its $8.5 million contribution for FY 2010-11, and is therefore eligible for these additional time extensions.

Table 1 summarizes the existing and proposed time and fiscal limits for the original Project Area, the 1982 Area and the 2001 Area pursuant to the proposed 17th and 18th Amendments.

Table 1

	Central District	Central District (1982 Area)	Central District (2001 Area)
Background Information			
Date Adopted	June 12, 1969	August 3, 1982	July 24, 2001
Base Year	FY 1968/69	FY 1982/83	FY 2001/02
Base Year Assessed Value	$275,241,000	$0	$15,780,702
Existing Time Limits			
Plan Effectiveness	June 12, 2012	June 12, 2012	July 24, 2032
Tax Increment Receipt	June 12, 2022	June 12, 2022	July 27, 2047
Eminent Domain	June 12, 2009	June 12, 2009	July 24, 2013
Incurring Debt	Eliminated	Eliminated	July 24, 2021
Proposed Time Limits			
Plan Effectiveness	June 12, 2023	June 12, 2023	July 24, 2033
Tax Increment Receipt	June 12, 2033	June 12, 2033	July 24, 2048
Eminent Domain	June 12, 2022	June 12, 2022	June 12, 2022
Incurring Debt	No Change	No Change	No Change
Existing Fiscal Limits			
Combined Tax Increment Cap		$1,348,862,000	
1982 Tax increment Cap	N/A	$75,000,000	N/A
Incurring Debt	N/A	$100,000,000	N/A
Proposed Fiscal Limits			
Tax Increment Cap		$3,000,000,000	
Incurring Debt	No Change	$100,000,000	No Change

Increase to the Tax Increment Limit
The CRL requires that when an agency proposes to increase the limitation on the amount of tax increment to be allocated to the redevelopment agency, it must document the remaining blight within the Project Area, identify those portions of the Project Area, if any, that are no longer blighted, describe the projects that are required to be completed to eradicate the remaining blight, and describe the relationship between the costs of those projects and the amount of increase in the limitation on the number of tax increment dollars to be allocated to the agency. The ordinance adopting the amendment must contain findings that both: (1) significant blight remains within the project area; and (2) the blight cannot be eliminated without the establishment of additional debt and the increase in the limitation on the number of dollars to be allocated to the redevelopment agency.

Extension of Eminent Domain Authority
The CRL also requires that a redevelopment plan which includes eminent domain authority include a time limit, not exceeding 12 years from the adoption of the redevelopment plan, for commencement of eminent domain proceedings. When an agency proposes to extend its eminent domain authority, it must prove the existence of significant remaining blight in the Project Area, and the nexus between this authority and eliminating blight.

Overview of the Redevelopment Plan Amendment Process
The proposed 17th Amendment is subject to an adoption process that parallels the adoption of a new redevelopment plan with a number of additional requirements. The CRL requires that an agency first prepare a Preliminary Report. The Preliminary Report was delivered to affected taxing entities, as well as to the California Department of Finance (DOF) and the Department of Housing and Community Development (HCD), on March 29, 2011. The CRL also requires that the Agency receive a letter from HCD confirming that it did not accumulate excess surplus in the Affordable Housing Fund. The Agency received the letter from HCD on June 22, 2011.

The adoption of the 17th Amendment requires California Environmental Quality Act (CEQA) compliance. A programmatic Environmental Impact Report (EIR) was prepared for the 17th and 18th Amendment. On July 6, the Planning Commission certified the Final EIR and recommended that the City Council approve the proposed amendments.

The CRL requires that the agency consult with affected taxing entities. The Agency contacted affected taxing entities from April to June of 2011, and met with representatives of these entities on June 10, 2011. The CRL also requires that the agency consult with residents, community organizations and the Project Area Committee (PAC), if one exists, prior to submitting the plan amendment to the legislative body. The Agency made the Preliminary Report available on the Agency's website, and Agency staff conducted a community informational session on April 27, 2011. Staff also made a presentation to the Chinatown Chamber of Commerce on June 14, 2011. No PAC exists for the Central District.

In order for the Agency to adopt the proposed 17th Amendment, the CRL requires that the Agency prepare and distribute a Report to Council to provide comprehensive information,

analyses and evidence the City Council must consider when determining whether to approve the proposed amendment. In December 2010, the Agency hired Seifel Consulting, Inc. ("Seifel") to conduct a blight study and to prepare the Report to Council. The attached Report to Council presents: (1) the reasons for considering the 17th Amendment; (2) documentation and mapping of those portions of the Central District that include significant remaining blight, as well as those portions of the Central District that are no longer blighted, and those portions that contain necessary and essential parcels for the elimination of remaining blight; (3) a description of the proposed activities (projects and programs) within the Project Area, how those projects and programs will improve blight condhions, and the reasons why the projects and programs cannot be completed without the time extensions; (4) the proposed method of financing the Agency's redevelopment program; (5) an amendment to the Central District's five-year Implementation Plan; (6) a "Neighborhood Impact Report" summarizing potential impacts resulting from the 17th Amendment and how the impacts will be addressed; (7) the report and recommendations of the Planning Commission; (8) the EIR; (9) a summary of consultations with residents and community organizations; (10) a summary of consultations with affected taxing entities; and (11) a description of the bonds sold by the Agency. The Report to Council must be sent to the DOF, HCD, taxing entities, and individuals and organizations that have commented on the Preliminary Report no later than 45 days prior to the public hearing. The Report to Council was distributed during the week of July 18th.

Lastly, the City Council and the Agency, according to specific noticing requirements, must hold a joint public hearing on the 17th Amendment, and the City Council must make the required findings and adopt an ordinance (with two readings) amending the Redevelopment Plan (see attached draft ordinance and related legislation). Should written objections to the amendment be submitted prior to the hearing, the Council must adopt a resolution responding to such objecfions.

Adoption of the 18th Amendment is not subject to this process, and only requires an ordinance (see attached draft ordinance).

KEY ISSUES AND IMPACTS

Necessity for the Plan Amendments

The current time and fiscal limits for the Project Area restrict the Agency's ability to issue new debt, finance on-going programs, and effectively alleviate blighting conditions. The proposed extensions of the tax increment time and fiscal limits, the plan effectiveness limit and the eminent domain authority time limit would provide the Agency with additional financial and legal resources, which are needed to fund the Agency's efforts to eliminate blight and constraints to development in the Project Area, as well as facilitate the production of affordable housing.

Extension of the Plan Time Limit

Under the existing time limit for plan effectiveness for the Project Area (other than the 2001 Area), the Agency must cease all redevelopment activities within the Project Area by June 12,

2012. Given the severe downturn of the economy over the last four years, the Agency has not been able to move forward on its redevelopment program as anticipated. As a result, the existing time limit significantly restricts the Agency's ability to continue alleviating the blighting conditions that remain in the Central District. The additional eleven years as planned under the proposed amendments will provide needed time for the Agency to implement existing and new infrastructure improvement programs throughout the Project Area.

Extension of Tax Increment Collection Limit
Chapter IV of the Report to Council shows the general financial feasibility of the redevelopment program. As discussed in Chapter IV, the cost to alleviate documented blighting conditions substantially exceeds available funding from public and private sources. Tax increment financing is the only source available to the community to fill the substantial gap between the costs of the redevelopment program and other public and private revenue sources. Because these projects and activities are critical to the revitalization of the Project Area, tax increment financing is needed to assist in funding these projects.

To continue the Agency's efforts in alleviating blighting conditions, the Agency is proposing to increase the tax increment collection limit for the Project Area from its current limit of $1.3 billion to a new limit of $3.0 billion. Without this, the Agency will have insufficient financial capacity to fund the redevelopment activities needed to eliminate blight in the Project Area. The Agency has received cumulative tax increment of approximately $841.1 million through FY 2009-10, leaving $508.9 million to be collected before expirafion of the time limit on June 12, 2022. Approximately $304.9 million of the remaining amount under the tax increment collection cap is committed to existing bonded debt and other obligations, leaving only $204.0 million for additional redevelopment projects and activities and related administrative costs. The Agency's cost for the redevelopment program is over $1.2 billion in nominal dollars, as shown on Table IV-1 in Chapter IV of the Report to Council. Therefore, the tax increment collection limit needs to be increased to $3.0 billion in order for the Agency to continue its efforts to alleviate blighting conditions. Increasing the tax increment collection limit is also necessary for the Agency to be able to incur debt and encumber sufficient tax increment revenue from the Project Area to fund the redevelopment program.

Extension of Tax Increment Collection Time Limit
To enable the Agency to support the redevelopment program, the amendments will extend the tax increment collection time limit by eleven years. As discussed in Chapter III of the Report to Council, the Agency's cost for the redevelopment program is over $1.2 billion. In order for the Agency to complete the redevelopment program, it would need to extend its time limit for tax increment receipt to collect sufficient tax increment revenues to complete the redevelopment program. Without extending the time limit for tax increment collecfion, the existing $1.3 billion tax increment collection limit would likely be reached in FY 2017-18, prior to the exisfing fime limit for tax increment collection in FY 2021-22. Therefore, additional time beyond the existing tax increment collection time limit is needed in order to continue alleviating blighting conditions.

Extension of Eminent Domain Authority
The Agency proposes to reinstate eminent domain authority in the Project Area with the limitation that eminent domain authority would not be authorized to acquire residential property. Eminent domain would be established for the remaining effective life of the Plan.

Eminent domain has been, and will continue to be, a necessary and effective tool for alleviating remaining blight on non-residential properties in the Project Area. In some cases it is the only way to overcome significant barriers to private investment, and without this tool the government would be unable to effectuate redevelopment. Through eminent domain, the Agency can assemble appropriate sites and prepare them for redevelopment. Site assembly by the Agency may be the only way to create parcels large enough for catalyst mixed-use projects or new affordable housing developments. Private sector investment can be hindered in areas where different property owners own adjacent smaller lots and/or buildings. Development or redevelopment of these sites can be prohibitively expensive given the costs of construction, market conditions in the Project Area, and other site constraints. Larger sites would allow developers to design for the market and to capitalize on locational strengths such as proximity to major transportation access points.

Eminent domain can also be necessary in cases of unsafe or unhealthy buildings and crime hotspots. In some cases, the owners of properties that contain unsafe or unhealthy buildings, or are locations of regular criminal activity may be absentee, unresponsive, or otherwise unwilling to cooperate with the Agency in its efforts to alleviate these blighting conditions through other redevelopment tools such as financial assistance. In these situations, the Agency's ability to purchase properties through eminent domain may be the only way to address the most extreme and persistent blighting conditions.

In the past, eminent domain has been an effective tool to facilitate redevelopment activities in the Project Area. The most recent and most successful use of eminent domain authority resulted in the development of the Uptown Apartments, which has served as a catalyst for rejuvenation of the Uptown commercial district. The only other instances of the Agency's use of eminent domain in the Project Area include the condemnation of the Bermuda building formerly located at 2101 Franklin, which was subsequently demolished and replaced with Center 21, a mixed-use office building, and several buildings for the development of Market Square project, a mixed-income housing development.

Remaining Blight in the Project Area
Since 1969, there have been many significant redevelopment successes in the Central District. These include redevelopment of City Center, the Uptown Area, Old Oakland, Preservation Park selected locations around Jack London Square and Chinatown. However, the remaining physical and economic blighting conditions in the Project Area are significant and cannot reasonably be reversed without continued redevelopment assistance. The documentation of the physical and economic blighting conditions in the Project Area included in Chapter II, and the extensive

photographic record contained in Appendix C of the Report to Council demonstrates that significant blight is still prevalent.

Proposed Projects and Programs

The Agency's redevelopment program is a comprehensive set of projects and programs designed to alleviate remaining blight in the Project Area, promote economic development throughout the community and encourage infill development that will promote the economic vitality of the Central District and create housing opportunities for residents at all income levels. The redevelopment program, which is described in greater detail in Chapter III of the Report to Council, applies to all of the existing Project Area, except for those parcels that are no longer blighted (as depicted in Figure II-1 in the Chapter II of Report to Council), and includes eight primary components: (1) Property Acquisition, Site Preparation and Disposition; (2) Planning, (3) Commercial Attraction, Expansion and Retention, (4) Commercial Rehabilitation; (5) Public Improvements; (6) Circulation, Street Improvements and Streetscapes; and (7) Cultural Arts and Recreational Facilities Improvements; and (8) Affordable Housing. The total estimated cost of the redevelopment program is approximately $5.3 billion in nominal dollars. The estimated cost of the non-housing redevelopment program is approximately $3.2 billion. The projected cost of the affordable housing redevelopment program is approximately $2.1 billion. Table III-1 in the Report to Council describes the net costs of all programs and projects. With the exception of affordable housing for which there is a percentage expenditure defined by CRL (30% for the Project Area), the Agency will allocate the necessary funds for each program as needed over the life of the Project Area. A significant amount of the additional funds will go to encouraging tax generating activities for the benefit of the City, particularly retail under the Broadway Retail Strategy and the Façade and Tenant Improvement Programs.

Proposed Method of Financing and Feasibility

A determination of economic feasibility of the Agency's Redevelopment Plan requires an identification of the future resources to finance costs associated with redevelopment of the Project Area and the elimination of blighting conditions. It is projected that with the proposed amendments, the Project Area will generate $598.6 million in net non-housing tax increment after required payments to taxing agencies, debt service and other costs, and $601.5 million in required housing set-aside deposits, for total of $1.2 billion. This amount represents the Agency's contribution of net tax increment toward the implementation of the Redevelopment Program, which totals approximately $5.3 billion. The tax increment projected to be available is based on assessed value added from anticipated new development in these areas and projected growth in existing property values at rates experienced in the Project Area in the past. A detailed description of the public and private financing aspects of the Redevelopment Program is included in Chapter IV of the Report to Council. Table IV-1 in the Report to Council provides a summary of the Agency's costs for the redevelopment program in nominal dollars. Chapter IV of the Report to Council further describes the non-tax increment funding sources that are likely to be available to finance a portion of the redevelopment program costs. From these descriptions it is clear that the tax increment revenue made possible through the proposed 17th and 18th

Amendments will be an essential financing component needed to fund the Agency's share of the costs of the redevelopment program.

Affordable Housing
Adoption of the 17th Amendment will result in a legal requirement to set-aside a minimum of 30% of tax increment for affordable housing beginning in FY 2012-13. This will increase the annual revenue by $2.6 million immediately and extend the revenue by 11 years for a total of $477.7 million in additional funds. Furthermore, adoption of the 17th Amendment will trigger the CRL affordable housing area production requirements for the Central District, which requires among other things that 15% of all housing units developed in the Central District during each 10-year compliance period be affordable to low and very low income households. Previously, the Central District, as a project area adopted prior to 1976, was exempt from the CRL area production requirements.

Public Hearing
In view of legal uncertainties raised by pending legal challenges to two California redevelopment agency overhaul statutes enacted in late June (ABX1 26 and 27), on August 11, 2011, staff has decided to hold the public hearing on schedule, but delay the passage of the legislation until final resolution by the California Supreme Court of the pending legal challenges to ABIX 26 and 27. Under ABIX 26, redevelopment agencies are suspended from taking certain actions, including adopting redevelopment plan amendments and making findings concerning blight. Under ABIX 27, however, agencies that have adopted continuation ordinances (agreeing to make certain payments) are exempt from the suspension. Oakland has adopted such an ordinance. The Supreme Court did not stay the effectiveness of the suspension provisions of ABIX 26, but did stay most of ABIX 27, including the authority to adopt continuation ordinances. The Court's stay order is unclear though whether agencies that previously adopted continuation ordinances are still subject to the suspension. (CRA has requested clarification from the Court whether agencies that have adopted are subject to suspension; however, as of the writing of this report, the Court has not responded to this request.) In view of the uncertainty as to whether the Agency has the authority to adopt redevelopment plan amendments or blight findings during this period, staff believes it is prudent for Council to defer adopting any of the proposed legislation at this time. However, since the Agency has completed all legally required steps in the adoption process for the proposed amendments, including publication and extensive mailings of the public notice for the joint public hearing, staff is recommending that Council and the Agency hold the joint public hearing as scheduled. Staff will return to the City Council for adoption of the proposed legislation (or its alternative) without the benefit of an additional public hearing, as soon as the Supreme Court has reached a final decision on the legality of ABX1 26 and 27.

CEQA Review
CEQA law provides that all public and private undertakings pursuant to a redevelopment plan shall constitute a single project, and a programmatic EIR will be appropriate for purposes of the redevelopment plan adoption or amendment process. On July 6, 2011, the Planning Commission held a public hearing and received testimony on the Final EIR on the Proposed Amendments.

After closing the public hearing, the Planning Commission adopted the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP); adopted the CEQA findings for the project, which include certification of the EIR, rejection of altemafives as infeasible, and a Statement of Overriding Considerations; and recommended adoption of the proposed amendments to the City Council.

SUSTAINABLE OPPORTUNITIES

Economic: If adopted, the proposed amendments would facilitate the redevelopment and rehabilitation of blighted and underutilized residential, commercial and public facilities which will improve the economic stability and health of the commercial districts in the Central District.

Environmental: As part of future redevelopment agreements that would be executed in the Project Areas, staff will include provisions to require developers to make substantial use of such green building techniques as energy-conserving design and appliances, water-conserving fixtures and landscaping, recycled building materials, and low-waste constmction techniques.

Social Equity: The adoption of the amendments will result in increased provision of funding for affordable housing in the City of Oakland. In the Central District, the amendments will result in a legal requirement to set-aside 30% of the tax increment generated to be used citywide for affordable housing, and to ensure that 15% of all housing units developed in the Central District during the 10-year compliance period be affordable units.

DISABILITY AND SENIOR CITIZEN ACCESS

All new development projects in the Project Area are required to comply with Federal ADA Accessibility Guidelines and the State of California's Title 24 accessibility regulations.

RECOMMENDATIONS AND RATIONALE

Staff is recommending that Council and the Agency hold a joint public hearing but hold off on adopting the proposed amendments and related legislation until the California Supreme Court has issued its final decision in the pending litigation regarding ABIX 26 and AB1X 27. Staff will bring these items back directly to Council at that time. Without the proposed amendments only a portion of the ongoing redevelopment activhies to address remaining blight can be funded under the current time and fiscal limits. By extending the time and fiscal limits, the Agency will be able to continue to improve remaining blighting conditions and complete the Redevelopment Plan. The Agency programs and projects include significant investments in economic development, community enhancements and public improvement projects throughout the Project Area, including support for local businesses and property owners for building rehabilitation and business attraction, site preparation and assembly, public infrastructure and affordable housing activities. In addition, to maintain the Agency's ability to eliminate blight and promote economic growth in the Project Area, the proposed plan amendments would extend the time for

the Agency's eminent domain authority in the Project Area. Eminent domain has been, and will continue to be, a necessary and effective tool for alleviating remaining blight on non-residential properties in the Project Area.

Alternative Recommendation

In light of the negative fiscal impact on the Project Area's fund balance that would result from the combination of the legal requirement to set-aside a minimum of 30% of tax increment for affordable housing beginning in FY 2012-13 and the potentially required payments to the state for the continuation of the Agency under ABIX 27, staff is currently evaluating an alternative course of action, which would delay the increase of the contribution to the Low and Moderate Income Housing Fund by one year. Under this scenario, the City would (1) move forward this fiscal year only with the one year SERAF extension (not the full 11 years), an increase in the tax increment cap from $1.3 to $1.8 billion (not $3.0 billion), and an extension of the eminent domain time limit only until FY 2012-13, and (2) postpone passage of the ten year SB 211 extension, along with the higher tax increment cap and longer eminent domain limit, until early FY 2012-13.

ACTION REQUESTED OF THE AGENCY/CITY COUNCIL

Staff recommends that the City Council and Agency board hold a joint public hearing regarding the proposed amendments, including the following attached draft legislation:

1. An Agency resolution and a City ordinance approving and adopting the 17th Amendment to the Redevelopment Plan to achieve the following:

    - Extend the time limit for plan effectiveness over the Project Area (other than the 2001 Area) for ten years from June 12, 2012 to June 12, 2022;
    - Extend the time limit for tax increment collection from the Project Area (other than the 2001 Area) for ten years from June 12, 2022 to June 12, 2032;
    - Increase the limit on the amount of tax increment revenue that the Agency may claim from the Project Area from the current hmit of $1.3 billion to a new hmit of $3.0 billion;
    - Extend the time limit for eminent domain authority and restrict eminent domain to nonresidential properties for the remaining life of the Plan;
    - Update affordable housing provisions to conform to the requirements of the CRL in connection with the time extension amendments, including extending the affordable housing area production obligation to the entire Project Area, and increasing the set-aside to the Agency's Low and Moderate Income Housing Fund to 30 percent; and
    - Make other required changes pursuant to the requirements of CRL.

2. An Agency resolution and a City ordinance approving and adopting the 18th Amendment to the Redevelopment Plan to extend the time limits on plan effectiveness and the receipt of tax increment revenues by an additional year.

3. Agency and City resolutions certifying and making findings as to the tinal EIR on the proposed amendments, and adopting Mitigation Measures and a Mitigation Monitoring and Reporting Program.

Alternative Legislation

1. An Agency resolution and a City ordinance approving and adopting the 17th Amendment to the Redevelopment Plan to achieve the following:

   - Extend the time limit for plan effectiveness over the Project Area (other than the 2001 Area) for one year from June 12, 2012 to June 12, 2013;
   - Extend the time limit for eminent domain authority and restrict eminent domain to nonresidential properties for the remaining life of the Plan; and
   - Increase the limit on the amount of tax increment revenue that the Agency may claim from the Project Area from the current limit of $1.3 billion to a new limit of $1.8 billion.

Staff is recommending that Council not adopt any of the above pieces of legislation at this time. Staff will return to the City Council for approval of the proposed legislation (or its alternative) as soon as the Supreme Court has made its tinal decision on the legality of ABX1 26 and 27.

Respectfully submitted,

Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Prepared by:
Jens Hillmer
Urban Economic Coordinator

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE:

Office of the City/Agency Administrator

Attachment A – The Report to Council
Attachment B -- Proposed plan amendment legislation

Item: _____
Community and Economic Development Committee
September 13, 2011

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10: 31

APPROVED AS TO FORM AND LEGALITY:

BY: _____
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE, BY THE CITY OF OAKLAND UNDER ITS OWN AUSPICES, ADOPTING THE SEVENTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO (1) EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY TEN YEARS, (2) INCREASE THE CAP ON TAX INCREMENT REVENUES, (3) EXTEND THE TIME LIMIT FOR USE OF EMINENT DOMAIN AND RESTRICT EMINENT DOMAIN TO NONRESIDENTIAL PROPERTIES, (4) AMEND AFFORDABLE HOUSING PROVISIONS, AND (5) MAKE OTHER REQUIRED CHANGES

WHEREAS, the City Council adopted the Central District Urban Renewal Plan (the "Redevelopment Plan") on June 12, 1969, Ordinance No. 7987 C.M.S., pursuant to the California Community Redevelopment Law (the "CRL," codified at Section 33000, et seq., of the California Health and Safety Code) as the redevelopment plan for the Central District Redevelopment Project Area (the "Central District" or "Project Area"); and

WHEREAS, the Redevelopment Plan has been amended 16 times since adoption; and

WHEREAS, on December 21, 2004, the City Council adopted Ordinance No. 12641 C.M.S., which amended the Redevelopment Plan to extend the time limit on the effectiveness of the Redevelopment Plan as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment to the Redevelopment Plan adopted in 2001) to June 12, 2012, and extend the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment to the Redevelopment Plan adopted in 2001), to June 12, 2022; and

WHEREAS, pursuant to Section 33333.4(a)(1) of the CRL, the City Council adopted Ordinance No. 10822 C.M.S. on December 16, 1986, which among other things set the limit on

the number of dollars that may be divided and allocated to the Redevelopment Agency of the City of Oakland pursuant to the Central District Redevelopment Plan at $1,348,862,000 (the "tax increment cap"); and

WHEREAS, the Redevelopment Plan also sets a limit on the number of dollars that may be divided and allocated to the Redevelopment Agency from areas added to the Central District between 1979 and 2001 at $75,000,000; and

WHEREAS, pursuant to Section 33333.4(a)(3) of the CRL, the City Council adopted Ordinance No. 12348 C.M.S. on July 24, 2001, which among other things set time limits on the commencement of eminent domain proceedings to acquire property in the Central District at June 12, 2009, for territory in the Central District prior to June 1, 2001, and 12 years after adoption of the plan extension amendment for territory added to the Central District after June 1, 2001; and

WHEREAS, Sections 33333.10 and 33333.11 of the CRL authorize a redevelopment agency to amend a redevelopment plan adopted prior to December 31, 1993, to extend the time limits on the effectiveness of the plan and the agency's ability to pay indebtedness and receive tax increment revenues by ten additional years, if certain findings are made and certain procedures are followed; and

WHEREAS, Sections 33451.5 and 33354.6 of the CRL authorize a redevelopment agency to amend a redevelopment plan to increase the number of dollars that may be divided and allocated to the agency pursuant to a redevelopment plan, if certain findings are made and certain procedures are followed; and

WHEREAS, Section 33333.4(a)(3)of the CRL authorizes a redevelopment agency to amend a redevelopment plan to extend the time limit for the commencement of eminent domain proceedings, if certain findings are made; and

WHEREAS, a proposed Seventeenth Amendment to the Central District Redevelopment Urban Renewal Plan (the "Seventeenth Amendment" or the "Amendment"), has been prepared which would: (1) extend the time limit on the effectiveness of the Redevelopment Plan (excluding the area added to the Central District in 2001) by ten years to June 12, 2022, pursuant to Section 33333.10(a)(1) of the CRL, (2) extend the time limit on the payment of indebtedness and the receipt of tax increment revenues pursuant to the Redevelopment Plan (excluding the area added to the Central District in 2001) by ten years to June 12, 2032, pursuant to Section 33333.10(a)(2) of the CRL, (3) increase the tax increment cap to a maximum of $3 billion, pursuant to Sections 33451.5 and 33354.6 of the CRL, (4) extend the time limit for the commencement of eminent domain proceedings within the Central District (including the area added to the Central District in 2001) to the extended Plan effectiveness date, pursuant to Section 33333.4(a)(3)of the CRL, as well as restrict eminent domain authority only to the acquisition of nonresidential properties, (5) amend affordable housing provisions as required under Sections 33333.10 and 33333.11 of the CRL, and (6) make other changes as required by the CRL in connection with the above amendments; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq., hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000, et seq., hereinafter the "State CEQA Guidelines") and local procedures adopted by the Agency pursuant thereto, the City has completed an environmental impact report on the proposed Seventeenth Amendment (as well as the proposed Eighteenth Amendment) dated June, 2011, (the "EIR"); and

WHEREAS, the EIR was completed in compliance with CEQA and the City's CEQA implementing regulations, it reflects the City Council's independent judgment, and it has been reviewed and considered before approving the Amendment; and

WHEREAS, the Planning Commission has submitted to the Council its report and recommendations for approval of the Amendment; and

WHEREAS, the California Department of Finance and Department of Housing and Community Development have been sent reports on the proposed Amendment and have been given an opportunity to comment on the proposed Amendment; and

WHEREAS, the California Department of Housing and Community Development has confirmed in writing on June 22, 2011, that the Redevelopment Agency has not accumulated an excess surplus in its Low and Moderate Income Housing Fund; and

WHEREAS, residents and community organizations in the Central District have been given an opportunity to review and comment on reports on the proposed Amendment; and

WHEREAS, the City Council has also received from the Redevelopment Agency a Report of the Agency on the Seventeenth Amendment to the Central District Plan (the "Report to Council") pursuant to Sections 33333.11(h), 33451.5(c), and 33352 of the CRL, including: a map of the Central District that identifies those portions of the Project Area that are no longer blighted and those portions of the Project Area that are blighted or contain necessary and essential parcel for the elimination of the remaining blight; a description of the remaining blight; a description of the projects and programs proposed to eliminate the remaining blight and a description of how these projects and programs will improve the conditions of blight; the reasons why the projects and programs cannot be completed without the time extensions and other amendments, and the relationship between the costs of those programs and project and the amount of the increase in the tax increment cap; the proposed method of financing those programs and projects; an amendment to the Agency's implementation plan for the Central District Redevelopment Project; a neighborhood impact report; a description of each bond sold by the Agency to finance or refinance the Central District Redevelopment Project; the report and recommendations of the Planning Commission on the Amendment; the EIR; a summary of consultations with affected taxing entities and the California Department of Finance and Department of Housing and Community Development, and consultations with and community participation by residents, community organizations and others in the Central District on the Amendment, along with responses to written objections and concerns; and

WHEREAS, the Council and the Redevelopment Agency held a joint public hearing on September 20, 2011, on adoption of the proposed Amendment; and

WHEREAS, a notice of said hearing was duly and regularly published in a newspaper of general circulation in the City of Oakland, once a week for four successive weeks prior to the date of said hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by first-class mail to property owners, residents, and businesses in the Central District; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Central District; and

WHEREAS, although the Redevelopment Agency of the City of Oakland was dissolved on February 1, 2012, per state legislation (ABX 26), the City has elected to be successor agency to the Redevelopment Agency; and

WHEREAS, a successor agency to a redevelopment agency has all authority, rights, powers, duties and obligations previously vested with the former redevelopment agency under the CRL, other than those repealed, restricted or revised by ABX 26; and

WHEREAS, a successor agency is empowered and required to perform on the enforceable obligations of the dissolved redevelopment agency; and

WHEREAS, a successor agency is subject to the provisions of existing redevelopment plans in carrying out their functions, including plan time limits and fiscal limits; and

WHEREAS, there are enforceable obligations of the dissolved Redevelopment Agency related to activities in the Central District that will be the responsibility of the City acting in its capacity as successor agency; and

WHEREAS, the City will need to continue certain activities in the Central District after current Redevelopment Plan time limits expire in order to perform on enforceable obligations and otherwise carry out its functions as successor agency, and therefore these limits need to be extended by this Amendment, notwithstanding Agency dissolution; and

WHEREAS, the Council has considered the report and recommendations of the Planning Commission, the Report to the Council from the Agency on the Amendment, and the EIR, has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Amendment;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The Council hereby finds and determines that:

a. Significant blight remains in the Central District. This finding is based upon the following conditions remaining in the Central District, as set forth and documented in the Report to Council:

(1) The existence of buildings in which it is unsafe or unhealthy for persons to live or work. These conditions include, dilapidated and deteriorated commercial, residential and industrial buildings, buildings with serious building code violations, abandoned buildings, lead paint and asbestos hazards, defective design or physical construction such as unreinforced masonry buildings and other seismically vulnerable buildings, faulty and inadequate water and sewer utilities, and other similar factors.

(2) The existence of factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots, including obsolete building design and elements, impeded circulation and accessibility, and other similar factors.

(3) Depreciated or stagnant property values for industrial and residential properties.

(4) Impaired property values due in significant part to contamination with hazardous materials.

(5) Abnormally high business vacancies, abnormally low lease rates, and abandoned buildings.

(6) An overconcentration of problem businesses such as liquor outlets that has resulted in significant health and safety concerns.

(7) A high crime rate that constitutes a significant threat to the public safety and welfare.

(8) The existence of inadequate public improvements, including poor street conditions, inadequate streetscapes, deficient sewer utilities, inadequate park and public facilities, inadequate pedestrian access, and inadequate street lighting.

b. The remaining blight conditions in the Central District cannot be eliminated without (1) the extension of the effectiveness of the Redevelopment Plan and the receipt of tax increment revenues by ten years, (2) the extension of the authority to use eminent domain to acquire property in the Central District during the effectiveness of the Redevelopment Plan, and (3) the establishment of additional debt and the increase in the limitation on the number of dollars to be allocated to the Agency from the Central

District. These findings are based upon the information, reasoning and analysis contained in the Report to Council.

Section 2. The Council hereby further finds and determines that:

a. This Amendment to the Redevelopment Plan is both necessary and desirable, for the reasons set forth above and in the Report to Council and related staff reports.

b. The remaining blight conditions are causing and will increasingly cause a reduction and lack of proper utilization of the Central District to such an extent that it constitutes a serious physical, social and economic burden on the City, which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action, as set forth and analyzed in the Report to Council.

c. The Redevelopment Plan as amended and extended herein will redevelop the Central District in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Central District will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.

d. The carrying out of the Redevelopment Plan as amended and extended herein is economically sound and feasible. This finding is based on the fact that the Agency acting through its successor agency will be authorized to seek and utilize a variety of potential financing resources, including tax increment revenues; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment revenues generated by new investment in the Central District; and that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

e. The Redevelopment Plan as amended and extended herein conforms to the General Plan of the City of Oakland. This finding is based on the fact that the Redevelopment Plan specifically requires and provides for redevelopment in conformance with the General Plan of the City of Oakland.

f. The carrying out of the Redevelopment Plan as amended and extended herein will promote the public peace, health, safety and welfare of the City of Oakland and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Central District by correcting conditions of blight and by coordinating public and private actions to stimulate development of the Central District.

g. The condemnation of real property as provided for in the Redevelopment Plan as amended and extended herein is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan as amended will be carried out and to prevent the recurrence of blight, and the fact that the Redevelopment Plan provides for payments for property acquired through condemnation as required by law.

h. The Agency through its successor agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Central District. This finding is based on the fact that the Redevelopment Plan as well as relocation rules adopted by the Agency require and provide for relocation assistance and benefits for displacees according to law.

i. There are, or are being provided, within the Central District or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Central District, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that under relocation laws and regulations adopted by the Agency, no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

j. Permanent housing facilities will be available within three years from the time occupants of the Central District are displaced, if any, and that pending the development of the facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the City of Oakland at the time of their displacement.

k. The elimination of blight and the redevelopment of the Central District could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency acting through its successor agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual developers to economically remove these blighting influences without substantial public assistance in providing adequate public improvements and facilities, the inability of low- and moderate-income persons to finance needed improvements, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including

the provision of necessary public improvements and facilities, as analyzed in the Report to Council.

l. The time limitations and the limit on the number of dollars to be allocated to the Agency acting through its successor agency contained in the Redevelopment Plan as amended and extended herein are reasonably related to the proposed projects and programs to be implemented in the Central District and to the ability of the Agency acting through its successor agency to eliminate blight in the Central District. This finding is based on the program and projects for the Redevelopment Plan as extended and the fiscal analysis as set forth and analyzed in the Report to Council.

m. The Redevelopment Plan as amended and extended herein contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which this Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

Section 3. The Council is satisfied that all written objections received before or at the noticed public hearing, if any, have been responded to in writing. In addition, written findings have been adopted in response to each written objection of an affected property owner or taxing entity which has been filed with the City Clerk either before or at the noticed public hearing, and all objections are hereby overruled.

Section 4. The City Council hereby amends the ordinance adopting the Central District Redevelopment Urban Renewal Plan and adopts the following Seventeenth Amendment to the Central District Redevelopment Urban Renewal Plan:

a. Section 402 of the Redevelopment Plan for the Central District Urban Renewal Project is amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underiining):

Section 402. ACQUISITION AND CLEARANCE

The Agency may acquire real properties within the Central District Urban Renewal Area whenever such acquisition is, in the sole discretion of the Agency, determined to be necessary in order:

1. to remove a substandard condition inconsistent with the Redevelopment Plan which cannot otherwise be removed through rehabilitation, or

2. to remove a blighting influence on surrounding properties which prevents achievement of the objectives of the Redevelopment Plan, or

3. to provide land for public improvements or facilities, or

4. to promote historical or architectural preservation, or

5. to assemble a disposition parcel of adequate size, shape and location for redevelopment, and the achievement of other Plan objectives, or

6. to otherwise execute the Redevelopment Plan in conformity with the Community Redevelopment Law of California.

Within the Central District, except as otherwise limited under this section, the Agency may acquire real properties by purchase, gift, exchange, condemnation or any lawful manner, except that the Agency is not authorized to employ the power of eminent domain to acquire property in the Central District on which persons legally reside.

The Agency's authority to acquire property in the Central District by eminent domain shall expire on the date that this Plan is no longer effective as set forth in the first paragraph of Section 700.E. of this Plan ~~June 12, 2009, except as provided below~~. No eminent domain complaint to acquire property in the Central District may be filed after this date~~, except as provided below~~.

~~Notwithstanding any provision of this Plan to the contrary, as to any areas added to the Project Area by amendment of this Plan adopted after June 1, 2001, the Agency may acquire, but is not required to acquire, any real property located in said additional areas by any means authorized by law, including eminent domain, except that in those additional areas the Agency is not authorized to employ the power of eminent domain to acquire property on which persons legally reside. Eminent domain proceedings for said additional areas, if used, must be commenced within twelve (12) years from the date the ordinance adopting the amendment to this Plan becomes effective.~~

b. Subsection C of Section 600 of the Redevelopment Plan for the Central District Urban Renewal Project is amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underlining):

C. Local Property Tax Increment: With the consent of the Oakland City Council, taxes, if any, levied upon the taxable property in the Project Area, hereinafter sometimes called the "redevelopment project," each year by or for the benefit of the State of California, the City of Oakland, County of Alameda, any district or other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as provided in Article 6, Chapter 6, Part I (the Community Redevelopment Law) of the Health and Safety Code of the State of California and Section 16 of Article XVI of the Constitution of the State of California, to wit:

1. that portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency last equalized prior to the effective date of such ordinance shall be allocated to, and when collected, shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment role of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

2. that portion of said levied taxes each year in excess of such amount shall be allocated to and, when collected, shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (1) hereof, all of the taxes levied collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances and indebtedness, if any, and interest thereon, have been paid then all monies thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

In the proceedings for the advance of monies, making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Central District Urban Renewal Project, the portion of taxes set forth in said Law and said Constitution as available to the Agency for such purposes may be irrevocably pledged for the payment of the principal of and interest on such loans, advances or indebtedness.

The number of dollars of the taxes referred to in Health and Safety Code Section 33670 which may be divided and allocated to the Redevelopment Agency of the City of Oakland pursuant to the Plan shall not exceed ~~One Billion, Three Hundred Forty-Eight Million, Eight Hundred and Sixty-Two Thousand Dollars ($1,348,862,000.00)~~ Three Billion Dollars ($3,000,000,000).

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after June 12, 202~~2~~ 2032, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment Law or except as provided below for areas added to the Project Area by Plan amendment.

~~As to tax increment generated within that portion of the Project Area added to the plan boundaries after June 12 1979, but prior to June 1, 2001, no more than $75 million may be divided and allocated to the Agency without further amendment of this Plan.~~

As to bonds issued by the Agency specifically for activities to be undertaken in that portion of the Project Area added to the Plan boundaries after June 12, 1979, but prior to June 1, 2001, the amount of bonded indebtedness outstanding at any one time shall not exceed $100,000,000.

Notwithstanding any provision of this Plan to the contrary, as to that territory added to the Project Area by the Twelfth Amendment to this Plan adopted on July 24, 2001 (that territory is referred to in this Plan as the "Central District Twelfth Amendment Area"), the Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Plan within the Central District Twelfth Amendment Area after July 24, 2021, except that the Agency may incur loans, advances or indebtedness after July 24, 2021 to be paid from the Low and Moderate Income Housing Fund as defined by the Community Redevelopment Law or to meet the Agency's replacement housing or inclusionary housing requirements as set forth in Sections 33413 and 33413.5 of the Community Redevelopment Law, as said provisions apply to the Central District Twelfth Amendment Area. This limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness required by Section 33333.2 of the Community Redevelopment Law.

As to the Central District Twelfth Amendment Area, the Agency will comply with the requirements of Section 33607.5 of the Community Redevelopment Law to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Twelfth Amendment Area.

Notwithstanding any provision of this Plan to the contrary, as to the Central District Twelfth Amendment Area, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Central District Twelfth Amendment Area after July 24, 2047.

The Agency may in any year during which it owns property in the Project Area pay directly to any city, county, district, including, but not limited to, a school

district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes, if and to the extent such payments are authorized under the California Community Redevelopment Law.

The Agency may pay to any taxing agency with territory located within the Project Area any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to the taxing agency by the redevelopment project, if and to the extent such payments are authorized under the California Community Redevelopment Law.

Beginning in fiscal year 2004-2005 until the date the effectiveness of this Plan terminates, the Agency will comply with the requirements of Section 33607.7 of the Community Redevelopment Law, as triggered by the amendment to this Plan adopted on January 6, 2004, to eliminate the time limit on establishing debt, to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Project Area (excluding the Central District Twelfth Amendment Area). These payments shall be calculated against the amount of assessed value by which the current year assessed value exceeds the adjusted base year value for fiscal year 2003-2004 for the Project Area (excluding the Central District Twelfth Amendment Area).

Beginning on June 12, 2022, the Agency shall spend tax increment funds (except for funds deposited into the Low and Moderate Income Housing Fund) only within the portion of the Central District Project Area that has been identified in the Report to Council on the Seventeenth Amendment to this Plan as the area containing blighted parcels and necessary and essential parcels.

c. Subsection E of Section 700 of the Central District Urban Renewal Plan is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underiining):

E. Duration of Plan: The provisions of this Plan shall be filed as restrictive covenants running with land sold or leased by the Agency and shall be made part of each contract with the Agency for new development or for owner participation. The commencement date of the covenants shall be the date of approval of the Plan by the Oakland City Council. The provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, until June 12, 20~~12~~ 2022, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity, and except as provided below for areas added to the Project Area by Plan amendment. After this time limit on the duration and effectiveness of the Plan, the Agency shall have no authority to act pursuant to this Plan for the Project Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may be otherwise be provided by Section

33333.~~6~~ of the Community Redevelopment Law, and except as provided below for areas added to the Project Area by Plan amendment.

As to the Central District Twelfth Amendment Area, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for the Central District Twelfth Amendment Area until July 24, 2032, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Plan for the Central District Twelfth Amendment Area, the Agency shall have no authority to act pursuant to this Plan for the Central District Twelfth Amendment Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, and except that, if the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, it shall retain its authority to implement its requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as reasonably possible.

d. Subsection G of Section 700 of the Central District Urban Renewal Plan is hereby amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underiining):

G. Replacement ~~Housing and Inclusionary~~ Affordable Housing Requirements: By law, the Agency, within four years of destruction or removal of dwelling units housing persons and families of low and moderate income as part of the redevelopment project, shall cause to be rehabilitated, developed or constructed a number of dwelling units equal to the number destroyed or removed which units shall be for sale to persons and families of low and moderate income at affordable housing costs.

In addition, ~~as to any areas added to the Project Area by amendment of this Plan adopted after January 1, 1976,~~ prior to the time limit on the effectiveness of this Plan as set forth in Section 700.E., at least 30 percent of all new or substantially rehabilitated dwelling units developed by the Agency in the ~~additional areas~~ Central District shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income, with not less than 50 percent of these units made available at affordable housing cost to, and occupied by, very low income households, as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. Prior to the time limit on the effectiveness of this Plan as set forth in Section 700.E., at least 15 percent of all new or substantially rehabilitated dwelling units developed by public or private entities or persons other than the Agency in the ~~additional areas~~ Central District shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income, with not less than 40 percent of these units made available at affordable housing cost to, and occupied by, very low income households,

as required by Section 33413 (in particular, subdivision (b) of that section) of the Community Redevelopment Law. The requirements of this section shall apply in the aggregate, and not to each individual case of rehabilitation, development, or construction of dwelling units; however, the Agency in its discretion may impose inclusionary housing requirements on particular housing projects developed by public or private entities or persons other than the Agency in the ~~additional areas~~ Central District, as needed in order for the Agency to comply with Section 33413 of the Community Redevelopment Law, this Plan, and the implementation plan adopted for the Project pursuant to Section 33490 of the Community Redevelopment Law. This paragraph shall only apply prospectively to new and substantially rehabilitated dwelling units for which the building permits are issued on or after the date of adoption of the Seventeenth Amendment to this Plan. To satisfy this paragraph, in whole or in part, the Agency (1) may cause, by regulation or agreement, to be available, at affordable housing cost to, and occupied by, persons and families of low or moderate income or to very low income households, as applicable, two units outside the Central District for each unit that otherwise would have been required to be available inside the Central District, or (2) may aggregate new or substantially rehabilitated dwelling units in one or more project areas, if the Agency finds, based on substantial evidence, after a public hearing, that the aggregation will not cause or exacerbate racial, ethnic, or economic segregation.

Beginning in fiscal year 2012-2013, and except as otherwise provided in or allowed by the Community Redevelopment Law, not less than 30 percent of all taxes which are allocated to the Agency pursuant to Section 33670 of the Community Redevelopment Law from that portion of the Central District existing within the project area prior to December 31, 1993, shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of housing at affordable housing cost to persons and families of extremely low, very low, low or moderate income. For those portions of the Central District added to the project area after December 31, 1993, including the Twelfth Amendment Area, the Agency shall continue to allocate not less than 25 percent of tax increment revenues from these areas for these purposes, per CRL requirements and Agency policy. In carrying out this purpose, the Agency may exercise any or all of its powers. The funds for this purpose shall be deposited and held in the Agency's Low and Moderate Income Housing Fund. Beginning in fiscal year 2012-2013 until June 12, 2022, the Agency may use such funds to increase, improve, or preserve housing for persons and families of moderate income, but only subject to the limitations on such assistance as set forth in Section 33333.10(f)(2) of the Community Redevelopment Law. Beginning on June 12, 2022, the Agency may use such funds to increase, improve, or preserve housing for persons and families of moderate income, but only subject to the limitations on such assistance as set forth in Section 33333.10(f)(1) of the Community Redevelopment Law.

Section 5. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency's successor agency, whereupon the Agency's successor agency is vested with the responsibility for carrying out the Plan as amended.

Section 6. The City Administrator or his designee is hereby directed to record with the County Recorder of Alameda County a statement that the Redevelopment Plan has been amended.

Section 7. If any part of this Ordinance or the Amendment which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Amendment, and this Council hereby declares that it would have passed the remainder of this Ordinance and approved the remainder of the Amendment if such invalid portion thereof had been deleted.

Section 8. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10: 31

AN ORDINANCE, BY THE CITY OF OAKLAND UNDER ITS OWN AUSPICES, ADOPTING THE SEVENTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO (1) EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY TEN YEARS, (2) INCREASE THE CAP ON TAX INCREMENT REVENUES, (3) EXTEND THE TIME LIMIT FOR USE OF EMINENT DOMAIN AND RESTRICT EMINENT DOMAIN TO NONRESIDENTIAL PROPERTIES, (4) AMEND AFFORDABLE HOUSING PROVISIONS, AND (5) MAKE OTHER REQUIRED CHANGES

NOTICE AND DIGEST

This Ordinance amends the Central District Urban Renewal Plan to (1) extend the time limit on the effectiveness of the Plan by ten years to June 12, 2022, (2) extend the time limit on the payment of indebtedness and the receipt of tax increment revenues pursuant to the Redevelopment Plan by ten years to June 12, 2032, (3) increase the cap on the amount of tax increment revenue that the Redevelopment Agency may receive to a maximum of $3 billion, (4) extend the time limit for the commencement of eminent domain proceedings within the Central District to the extended Plan effectiveness date, as well as restrict eminent domain only to the acquisition of nonresidential properties, (5) amend various affordable housing provisions as required under the California Community Redevelopment Law, and (6) make other changes as required by the California Community Redevelopment Law in connection with the above amendments. This Ordinance also makes certain findings in support of its adoption.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10: 32

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____C.M.S.

AN ORDINANCE, BY THE CITY UNDER ITS OWN AUSPICES, ADOPTING THE EIGHTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY ONE YEAR

WHEREAS, the City Council adopted the Central District Urban Renewal Plan (the "Redevelopment Plan") on June 12, 1969, Ordinance No. 7987 C.M.S., pursuant to the California Community Redevelopment Law (the "CRL," codified at Section 33000, et seq., of the California Health and Safety Code) as the redevelopment plan for the Central District Redevelopment Project Area (the "Central District" or "Project Area"); and

WHEREAS, the Redevelopment Plan has been amended 17 times since adoption; and

WHEREAS, the City Council adopted the Twelfth Amendment to the Redevelopment Plan in 2001, which added territory to the Project Area and set the time limit on the effectiveness of the Redevelopment Plan as to this added territory at July 24, 2032, and the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to this added territory at July 24, 2047; and

WHEREAS, the City Council adopted the Seventeenth Amendment to the Redevelopment Plan in 2011, which extended the time limit on the effectiveness of the Redevelopment Plan as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment) to June 12, 2022, and extended the time limit on the Agency's ability to pay indebtedness and receive tax increment revenues as to the Project Area (excluding area added to the Project Area by the Twelfth Amendment), to June 12, 2032; and

WHEREAS, Health and Safety Code Section 33331.5 authorizes the legislative body to amend a redevelopment plan to extend the time limits on plan effectiveness and the agency's ability to pay indebtedness and receive tax increment revenues by one year when the agency is required to make a payment to the Supplemental Educational Revenue Augmentation Fund ("SERAF") under Health and Safety Code Section 33690 and has allocated the full amount to such payment; and

WHEREAS, the Redevelopment Agency was required to make a payment to the SERAF under Health and Safety Code Section 33690 and has allocated the full amount to such payment; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, et seq., hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000, et seq., hereinafter the "State CEQA Guidelines") and local procedures adopted by the Agency pursuant thereto, the City has completed an environmental impact report on the proposed Eighteenth Amendment (as well as the previous Seventeenth Amendment) dated June, 2011, (the "EIR"); and

WHEREAS, the EIR was completed in compliance with CEQA and the City's CEQA implementing regulations, it reflects the City Council's independent judgment, and it has been reviewed and considered before approving the Amendment; and

WHEREAS, the City Council wishes to amend the Central District Urban Renewal Plan to extend the time limits applicable to the Central District Project Area by one year per Health and Safety Code Section 33331.5; and

WHEREAS, although the Redevelopment Agency of the City of Oakland was dissolved on February 1, 2012, per state legislation (ABX 26), the City has elected to be successor agency to the Redevelopment Agency; now, therefore,

The Council of the City of Oakland does ordain as follows:

Section 1. The City Council hereby amends the ordinance adopting the Central District Redevelopment Urban Renewal Plan and adopts the following Eighteenth Amendment to the Central District Redevelopment Urban Renewal Plan:

a. Subsection C of Section 600 of the Redevelopment Plan for the Central District Urban Renewal Project is amended to read in its entirety as follows (deletions are indicated with strikeout text, and additions with double underiining):

C. Local Property Tax Increment: With the consent of the Oakland City Council, taxes, if any, levied upon the taxable property in the Project Area, hereinafter sometimes called the "redevelopment project," each year by or for the benefit of the State of California, the City of Oakland, County of Alameda, any district or other public corporation (hereinafter sometimes called "taxing agencies"), after the effective date of the ordinance approving this Plan shall be divided as provided in Article 6, Chapter 6, Part I (the Community Redevelopment Law) of the Health and Safety Code of the State of California and Section 16 of Article XVI of the Constitution of the State of California, to wit:

1. that portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the

redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency last equalized prior to the effective date of such ordinance shall be allocated to, and when collected, shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment role of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

2. that portion of said levied taxes each year in excess of such amount shall be allocated to and, when collected, shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (1) hereof, all of the taxes levied collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances and indebtedness, if any, and interest thereon, have been paid then all monies thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

In the proceedings for the advance of monies, making of loans or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance, in whole or in part, the Central District Urban Renewal Project, the portion of taxes set forth in said Law and said Constitution as available to the Agency for such purposes may be irrevocably pledged for the payment of the principal of and interest on such loans, advances or indebtedness.

The number of dollars of the taxes referred to in Health and Safety Code Section 33670 which may be divided and allocated to the Redevelopment Agency of the City of Oakland pursuant to the Plan shall not exceed Three Billion Dollars ($3,000,000,000).

The Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Project Area after June 12, 2032 <u>2033</u>, except as may otherwise be provided by Section 33333.6 of the Community Redevelopment

Law or except as provided below for areas added to the Project Area by Plan amendment.

As to bonds issued by the Agency specifically for activities to be undertaken in that portion of the Project Area added to the Plan boundaries after June 12, 1979, but prior to June 1, 2001, the amount of bonded indebtedness outstanding at any one time shall not exceed $100,000,000.

Notwithstanding any provision of this Plan to the contrary, as to that territory added to the Project Area by the Twelfth Amendment to this Plan adopted on July 24, 2001 (that territory is referred to in this Plan as the "Central District Twelfth Amendment Area"), the Agency shall not establish or incur loans, advances or indebtedness to finance in whole or in part the Plan within the Central District Twelfth Amendment Area after July 24, 2021, except that the Agency may incur loans, advances or indebtedness after July 24, 2021 to be paid from the Low and Moderate Income Housing Fund as defined by the Community Redevelopment Law or to meet the Agency's replacement housing or inclusionary housing requirements as set forth in Sections 33413 and 33413.5 of the Community Redevelopment Law, as said provisions apply to the Central District Twelfth Amendment Area. This limit shall not prevent the Agency from refinancing, refunding, or restructuring indebtedness after the fime limit if the indebtedness is not increased and the fime during which the indebtedness is to be repaid is not extended beyond the fime limit to repay indebtedness required by Section 33333.2 of the Community Redevelopment Law.

As to the Central District Twelfth Amendment Area, the Agency will comply with the requirements of Section 33607.5 of the Community Redevelopment Law to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Twelfth Amendment Area.

Notwithstanding any provision of this Plan to the contrary, as to the Central District Twelfth Amendment Area, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 from the Central District Twelfth Amendment Area after July 24, 2047-2048.

The Agency may in any year during which it owns property in the Project Area pay directly to any city, county, district, including, but not limited to, a school district, or other public corporafion for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes, if and to the extent such payments are authorized under the California Community Redevelopment Law.

The Agency may pay to any taxing agency with territory located within the Project Area any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to the taxing agency by the

redevelopment project, if and to the extent such payments are authorized under the California Community Redevelopment Law.

Beginning in fiscal year 2004-2005 until the date the effectiveness of this Plan terminates, the Agency will comply with the requirements of Section 33607.7 of the Community Redevelopment Law, as triggered by the amendment to this Plan adopted on January 6, 2004, to eliminate the time limit on establishing debt, to make certain payments to affected taxing entities from tax increment revenues generated by the Central District Project Area (excluding the Central District Twelfth Amendment Area). These payments shall be calculated against the amount of assessed value by which the current year assessed value exceeds the adjusted base year value for fiscal year 2003-2004 for the Project Area (excluding the Central District Twelfth Amendment Area).

Beginning on June 12, 2022, the Agency shall spend tax increment funds (except for funds deposited into the Low and Moderate Income Housing Fund) only within the portion of the Central District Project Area that has been identified in the Report to Council on the Seventeenth Amendment to this Plan as the area containing blighted parcels and necessary and essential parcels.

b. Subsection E of Section 700 of the Central District Urban Renewal Plan is hereby amended to read in its enfirety as follows (deletions are indicated with strikeout text, and additions with double underiining):

E. Duration of Plan: The provisions of this Plan shall be filed as restrictive covenants running with land sold or leased by the Agency and shall be made part of each contract with the Agency for new development or for owner participation. The commencement date of the covenants shall be the date of approval of the Plan by the Oakland City Council. The provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, until June 12, 2022 2023, except that the nondiscrimination and nonsegregation provisions shall run in perpetuity, and except as provided below for areas added to the Project Area by Plan amendment. After this fime limit on the duration and effectiveness of the Plan, the Agency shall have no authority to act pursuant to this Plan for the Project Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, except as may be otherwise be provided by Section 33333.6 of the Community Redevelopment Law, and except as provided below for areas added to the Project Area by Plan amendment.

As to the Central District Twelfth Amendment Area, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for the Central District Twelfth Amendment Area until July 24, 2032-2033, except that the nondiscrimination and nonsegregafion provisions shall run in perpetuity. After this time limit on the duration and effectiveness of the Plan for the Central District Twelfth

Amendment Area, the Agency shall have no authority to act pursuant to this Plan for the Central District Twelfth Amendment Area except to pay previously incurred indebtedness and to enforce existing covenants or contracts, and except that, if the Agency has not completed its housing obligations pursuant to Section 33413 of the Community Redevelopment Law, it shall retain its authority to implement its requirements under Section 33413, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as reasonably possible.

Section 2. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency's successor agency, whereupon the Agency's successor agency is vested with the responsibility for carrying out the Plan as amended.

Section 3. The City Administrator or his designee is hereby directed to record with the County Recorder of Alameda County a statement that the Redevelopment Plan has been amended.

Section 4. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 5. This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10: 32

AN ORDINANCE, BY THE CITY UNDER ITS OWN AUSPICES, ADOPTING THE EIGHTEENTH AMENDMENT TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, TO EXTEND THE TIME LIMITS ON PLAN EFFECTIVENESS AND THE RECEIPT OF TAX INCREMENT REVENUES BY ONE YEAR

NOTICE AND DIGEST

This ordinance amends the Central District Urban Renewal Plan to extend the time limits in the Plan for Plan effectiveness and the ability of the Redevelopment Agency to pay indebtedness and receive tax increment revenues, as authorized under Health and Safety Code Section 33331.5, by one year.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -9 AM 10: 33

APPROVED AS TO FORM AND LEGALITY:

BY: _____
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____C.M.S.

A RESOLUTION CERTIFYING AND MAKING FINDINGS AS TO THE FINAL ENVIRONMENTAL IMPACT REPORT ON PROPOSED AMENDMENTS TO THE CENTRAL DISTRICT REDEVELOPMENT PLAN, DESIGNATED AND ADOPTED AS THE "CENTRAL DISTRICT URBAN RENEWAL PLAN" IN 1969, AND ADOPTING MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, an Environmental Impact Report (the "EIR") on proposed 17th and 18th Amendments to the Central District Urban Renewal Plan (the "Redevelopment Plan") was prepared by the City pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq., hereinafter the "State CEQA Guidelines"), and the City's Environmental Review Regulations adopted pursuant thereto; and

WHEREAS, copies of the Draft EIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, the Draft EIR was thereafter revised and supplemented to adopt changes suggested and to incorporate comments received and the City's response to said comments, and as so revised and supplemented, a Final EIR was prepared and submitted to the City Council for review and consideration in conjunction with consideration of approval and adoption of the proposed amendments to the Redevelopment Plan; and

WHEREAS, the Planning Commission has certified and made findings as to the Final EIR; and

WHEREAS, a joint public hearing was held by the Redevelopment Agency of the City of Oakland (the "Agency") and the Council on September 20, 2011, on the proposed amendments to the Redevelopment Plan and the Final EIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

WHEREAS, the Final EIR consists of the Draft EIR, as revised and supplemented, made a part of the Agency's Report to Council on the Redevelopment Plan amendments, incorporating all comments received and the response of the Agency and the City thereto as of the date hereof; now, therefore, be it

RESOLVED: That the City Council hereby certifies that the Final EIR for the proposed 17th and 18th Amendments to the Central District Urban Renewal Plan has been completed in compliance with CEQA, the State CEQA Guidelines and the City's Environmental Review Regulations; and be it further

RESOLVED: That the City Council hereby finds that the Final EIR reflects the independent judgment of the City, as required by Public Resources Code Section 21082.1; and be it further

RESOLVED: That the City Council has independently reviewed and analyzed the Final EIR and considered the information contained therein and all comments, written and oral, received at the public hearing on the Final EIR prior to approving this resolution and acting on the proposed amendments; and be it further

RESOLVED: That the City Council hereby adopts (1) the CEQA Findings and the Statement of Overriding Considerations attached as Exhibit A, and (2) the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program for the Project as specified in the attached Exhibit B, which are incorporated herein by reference; and be it further

RESOLVED: That upon approval and adoption of the proposed amendments to the Redevelopment Plan by the City Council, the City Clerk is hereby directed to file a Notice of Determination with the County Clerk of Alameda County and the Office of Planning and Research pursuant to the provisions of Section 15094 of the State CEQA Guidelines.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

CEQA Findings and the Statement of Overriding Considerations

EXHIBIT A

CENTRAL DISTRICT URBAN RENEWAL PLAN
17TH AND 18TH AMENDMENTS
CEQA FINDINGS

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for proposed amendments to the Central District Urban Renewal Plan Project ("the Project"), SCH #2010102024.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The Project, which is the subject of the EIR, consists of two amendments ("Proposed Amendments") to the Central District Urban Renewal Plan. The proposed 17th Amendment would amend the Plan in three ways. First, it would extend the duration of the Redevelopment Plan from 2012 to 2022 and extend the time period that the Redevelopment Agency can receive tax increment funds from 2022 to 2032, as allowed by Senate Bill 211 (codified at Health and Safety Code Section 33333.10 et seq.). Second, it would increase the cap on the receipt of tax increment revenue to account for the proposed time extensions, as the Redevelopment Agency is anticipated to exceed its existing cap if the time extension is adopted. Third, it would renew the Redevelopment Agency's authority to use eminent domain in the Project Area. The proposed 18th Amendment would further amend the Plan to extend the duration of the Redevelopment Plan and the time period that the Redevelopment Agency can receive tax increment funds by an additional one year.

   The Project Area covers approximately 250 city blocks (828 acres) generally bounded by 1-980, Lake Merritt, 27th Street and the Embarcadero [See attached Map on page 2 of the Planning Commission staff report]. Within the Project Area, there are four major redevelopment activity areas: City Center, Chinatown, Victorian Row/Old Oakland and the Uptown Retail area.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR (DEIR) was published on October 14, 2010. An Initial Study was not prepared for the Project, as permitted by Section 15060(d) of the CEQA Guidelines. The NOP was distributed to state and local agencies, and posted at 15 locations around the Central District. On, November 3, 2010 the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR, and a further scoping session was held at the November 8, 2010 meeting of the Landmarks Preservation Advisory Board. The public comment period on the NOP ended on November 15, 2010.

6. A DEIR was prepared for the Project to analyze its environmental impacts. The Notice of Availability/Notice of Release of the DEIR was distributed to appropriate state and local agencies, posted at 15 locations around the Central District, and mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the DEIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. The DEIR was properly circulated for a 45-day public review period on August 23, 2010. A duly noticed Public Hearing on the DEIR was held at the April 6, 2011 meeting of the Planning Commission and the April 11, 2011 meeting of the Landmarks Preservation Advisory Board.

7. The City received written and oral comments on the DEIR. The City prepared responses to comments on environmental issues and made changes to the DEIR. The responses to comments, changes to the DEIR, and additional information were published in a Response to Comments and Final EIR (RTC/EIR) on June 17, 2011. The DEIR, the RTC/EIR and all appendices thereto constitute the "EIR" referenced in these findings. The RTC/EIR was made available for public review on June 17, 2011, nineteen days prior to the duly noticed July 6, 2011 public hearing. The Notice of Availability/Notice of Release of the FEIR was distributed to those state and local agencies who commented on the DEIR, and posted at 15 locations in the Central District. Copies of the DEIR and RTC/EIR were also distributed to those state and local agencies who commented on the DEIR, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies at least 10 days prior to hearing. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

a. The EIR and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.

c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission.

d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.

e. All final applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.

f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.

g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project (SCAMMRP).

i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the City Council, acting as the Lead Agency under CEQA, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City Council.

11. The City Council recognizes that the EIR may contain clerical errors. The City Council reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The City Council certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the Report to Council. The City Council certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

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

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

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

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is attached and incorporated by reference into the July 6, 2011 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the City Council. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by

the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard condifions of approval and mitigation measures.

17. The City Council will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code secfion 21081 and CEQA Guidelines secfions 15091, 15092 and 15093, the City Council adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The City Council ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City Council adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the project sponsor as may be modified by these findings.

20. The City Council recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The City Council acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The City Council has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the fiill scope of the environmental issues presented. In turn, this understanding has enabled the City Council to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the City Council finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certitied in March 1998; (b) feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Council hereby tinds and determines that the Standard Conditions of Approval (SCA) substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

IX. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval (SCA), the City Council tinds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially signiticant impacts will be reduced to a less than signiticant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval, referenced in the DEIR (which are an integral part of the SCAMMRP):

23. Aesthetics, Shadow and Wind. AES-3: Development facilitated by the Proposed Amendments would facilitate the creation of new sources of light or glare which could substantially and adversely affect day or nighttime views in the area. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA 40, Lighting Plan, which requires approval of plans to adequately shield lighting to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties and minimize mirrored or reflective façade surfaces.

24. Air Quality and Green House Gases: Development facilitated by the Proposed Amendments would not fundamentally conflict with the CAP because the plan demonstrates reasonable efforts to implement control measures contained in the CAP. The project could include residential developments that expose occupants to substantial health risk from diesel particulate matter (Air-2, 3). Implementation of Standard Conditions of Approval 25, Parking and Transportation Demand Management, and 95, Air Pollution Buffering for Private Open Space would reduce these impacts to a less-than-signiticant level in most cases.

25. Biological Resources: Development facilitated by the Proposed Amendments could adversely affect species identitied as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, could have substantial adverse effect on federally protected wetlands, could substantially interfere with the movement of any native resident or migratory tish or wildlife species or with established native resident or migratory wildlife corridors and native wildlife nursery sites, and could fundamentally conflict with the City of Oakland Tree and Creek Protection Ordinances (Bio-1, 3, 4, 6, 7, 8). Implementation of Standard Conditions of Approval for Hazards Best Management Practices, Tree Removal During Breeding Season, Tree Removal Permit, Tree Replacement Plantings, Tree Protection During Construction, Erosion and Sedimentation Control Plan, Vibrations Adjacent Historic Structures, Stormwater Pollution Prevention Plan (SWPPP), Post-Construction Stormwater Management Plan, and Creek Protection Plan (SCA 35, 44, 45, 46, 47, 55, 57, 75, 80, 83, and A), would reduce these impacts to a less than signiticant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse biological impacts.

26. Cultural Resources: Development facilitated by the Proposed Amendments could result in the physical demolition, destruction, relocation, or alteration of historical resources, could result in significant impacts to both known and unknown archaeological resources, could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, could disturb human remains and combined with cumulative development in the Project Area and citywide, would contribute considerably to a signiticant adverse cumulative impact to cultural resources (CUL-1, 2, 3, 4, 5). Through application of Mitigation Measure CUL-1 that addresses any future redevelopment project that would occur on or immediately adjacent to buildings 50 years old or older, and would occur between 2012 and 2023, the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualitied architectural historian who meets the Secretary of the Interior's Standards for architectural history. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future redevelopment activities, including demolition, alteration, and new construction, would avoid, adaptively reuse and/or appropriately relocate such historical resources in accordance with measure "a". Additionally, application of Standard Conditions of Approval for Archaeological Resources, Human Remains, Paleontological Resources, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), and Vibrations Adjacent Historic Structures (SCA 52, 53, 54, 56, 57), would reduce impacts to a less than significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse cultural resource impacts.

27. Geology and Soils: Development facilitated by the Proposed Amendments could expose people or structures to seismic hazards and could be subjected to geologic

hazards (GEO-1, 2). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval 58, 59 (Soils Report, Geotechnical Report), which require soils reports and geotechnical investigations and reports to be prepared, best management practices for soil and groundwater hazards. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements, including compliance with all applicable building codes, would ensure there would not be signiticant adverse geology and soils impacts.

28. Greenhouse Gases: Development facilitated by the Proposed Amendments would produce greenhouse gas emissions and would not conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions (GHG-1, 2). Implementation of Standard Conditions of Approval for Required Landscape Plan for New Construction and Certain Additions to Residential Facilities, Landscape Requirements for Street Frontages., Landscape Maintenance., Landscape Requirements for Street Frontages., Landscape Maintenance, Parking and Transportation Demand Management, Dust Control, Construction Emissions, Waste Reduction and Recycling, Asbestos Removal in Structures, Tree Replacement Plantings, Erosion and Sedimentation Control Plan, Stormwater Pollution Prevention Plan (SWPPP), and Creek Protection Plan (SCA 12, 13, 15, 17, 18, 25, 26, 27, 36, 41, 46, 55, 75, 83, B) would reduce the impacts to a less than significant level.

29. Hazards and Hazardous Materials: Development facilitated by the Proposed Amendments would result in an increase in the routine transportation, use, and storage of hazardous chemicals, in the accidental release of hazardous materials used during construction through improper handling or storage, in the exposure of hazardous materials in soil and ground water, in the exposure of hazardous building materials during building demolition, require use of hazardous materials within 0.25 mile of a school, and when combined with other past, present, existing, approved, pending and reasonably foreseeable development in the vicinity, would result in cumulative hazards (HAZ-1 through 6). This impact will be reduced to a less than significant level through implementation of Standard Conditions of Approval for Hazards Best Management Practices, Asbestos Removal in Structures, Site Review by the Fire Services Division, Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment, Other Materials Classified as Hazardous Waste, Best Management Practices for Soil and Groundwater Hazards, Radon or Vapor Intrusion from Soil or Groundwater Sources, Hazardous Materials Business Plan (SCA 35, 41, 61, 63, 66, 68, 69, 74), which impose best management practices to protect groundwater and soils from new impacts and appropriate handling of existing impacted groundwater and soils, proper removal of asbestos containing materials and soils, and requirements for lead, asbestos, radon, preparation of a health and safety plan, and other vapor intrusion assessment and remediation, as well as Fire Services review and preparation of a Hazardous Materials Business Plan for the project. Moreover, compliance with various policies, and goals

contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

30. Hydrology/Water Quality: Development facilitated by the Proposed Amendments would alter drainage patterns and increase the volume of stormwater, level of contamination or siltation in stormwater flowing from the Project Area could be susceptible to flooding hazards as a result of being placed in a 100-year flood zone as mapped by FEMA (HYD-1 and 2). Implementation of the Standard Conditions of Approval for Erosion and Sedimentation Control Plan, Stormwater Pollution Prevention Plan (SWPPP), Post-Construction Stormwater Management Plan, Maintenance Agreement for Stormwater Treatment Measures, Creek Protection Plan, and Structures within a Floodplain, Stormwater and Sewer (SCA 55, 75, 80, 81, 83, 90, 91), would ensure that project would have a less than significant impact on hydrology and water quality. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hydrology and water quality impacts.

31. Noise: Development facilitated by the Proposed Amendments would result in substantial temporary or periodic increases in ambient noise levels in the Project Area above levels existing without the Amendment and in excess of standards established in the local general plan or Noise Ordinance and Planning Code, or applicable standards of other agencies, construction pile driving for the Victory Court ballpark could increase ambient noise levels for an extended duration and adversely affect the surrounding noise environment, and operational noise generated by the Victory Court ballpark would generate special event noise level, and in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects and could result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without development facilitated by the Proposed Amendments (NOI-1, 2, 3, 4, 7). Implementation of Standard Conditions of Approval for Days/Hours of Construction Operation, Noise Control, Noise Complaint Procedures, Interior Noise, Operational Noise-General, Vibration, Pile Driving and Other Extreme Noise Generators (SCA 28, 29, 30, 31, 32, 38, 39) and Mitigation Measures for noise (NOI-4 a and b) and traffic (TRA 1.1 and 4.1) would reduce these impacts to a less than signiticant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise impacts.

32. Traffic and Transportation: Development facilitated by the Proposed Amendments would increase traftic volumes on area roadway segments; baseball games and other special events at the Victory Court ballpark would adversely affect the surrounding transportation network; traffic congestion caused by the traftic generated by development facilitated by the Proposed Amendments would substantially increase travel time for AC Transit buses, would increase traffic volumes on area roadway segments, potentially causing conflicts among motor vehicles, bicycles, or pedestrians; may result in additional automobile, bicycle, and/or pedestrian traffic at the existing at-

grade railroad crossings and potentially contribute to safety issues along the railroad crossings, generate demand for alternative transportation services, and generate temporary increases in traftic volume and temporary effects on transportation conditions (TRA-1, 2, 3, 4, 5, 7, 8, 10, 11). Implementation of Standard Conditions of Approval for Improvements in the Public Right-of-Way (General and Specific), Parking and Transportation Demand Management, Construction Traftic and Parking (SCA 20, 21, 25, 33) and Mitigation Measures TRA-1, 1.1, 1.2, 2, 3, 4, 5, and 8 would reduce these impacts to a less than significant level.

33. Utilities/Service Systems: Development facilitated by the Proposed Amendments would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, would not generate solid waste that would exceed the permitted capacity of the landtills serving the area, but, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and aroimd the Project Area, would result in an increased demand for utilities services (UTIL-3, 4, 6). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval for Waste Reduction and Recycling, Stormwater Pollution Prevention Plan (SWPPP), and Post-Construction Stormwater Management Plan, and Stormwater and Sewer (SCA 36, 75, 80, 91). Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

34. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the City Council tinds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures, as set forth below.

AIR QUALITY IMPACTS

35. **Impact AIR-3:** Development facilitated by the Proposed Amendments could include residential developments that expose occupants to substantial health risk from diesel particular matter (DPM) from mobile and stationary sources. Although compliance with City's Standard Conditions of Approval would provide that a site specific health risk assessment (HRA) be prepared, and would reduce exposures to DPM sources to less than significant, there is no assurance that exposure to gaseous TACs could be reduced to a less-than-signiticant level at every site. (Signiticant)

CULTURAL RESOURCES IMPACTS

36. **Impact CUL-1:** Development facilitated by the Proposed Amendments could result in the physical demolition, destruction, relocation, or alteration of historical resources that

are listed in or may be eligible for listing in the federal, state, or local registers of historical resources.

37. **Impact CUL-5:** Development facilitated by the Proposed Amendments, combined with cumulative development in the detined geographic area, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impacts to cultural resources.

NOISE IMPACTS

38. **Impact NOI -2:** Construction pile driving for the Victory Court ballpark that could be facilitated by the Proposed Amendments could increase ambient noise levels for an extended duration and adversely affect the surrounding noise environment.

39. **Impact NOI-4:** Operational noise generated by the Victory Court ballpark that could be facilitated by the Proposed Amendments would generate special event noise levels in the Project Area to levels in excess of standards established in the Oakland Noise Ordinance and Planning Code.

40. **Impact NOI-7:** Noise generated by the Victory Court ballpark that could be facilitated by the Proposed Amendments, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without development facilitated by the Proposed Amendments; and could substantially increase construction noise and operational noise in the Project Area.

TRANSPORTATION AND CIRCULATION IMPACTS

41. **Impact TRA-1:** Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments under Existing Plus Project conditions.

42. **Impact TRA-2:** Development facilitated by the Proposed Amendments would increase traftic volumes on area roadway segments under Cumulative Year 2015 Baseline Plus Project conditions.

43. **Impact TRA-3:** Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments under Cumulative Year 2035 Baseline Plus Project conditions.

44. **Impact TRA-4:** Baseball games and other special events at the Victory Court ballpark would adversely affect the surrounding transportation network.

45. **Impact TRA-5:** Traftic congestion caused by the traffic generated by development facilitated by the Proposed Amendments would substantially increase travel time for AC Transit buses.

46. Impact TRA-8: Development facilitated by the Proposed Amendments may result in additional automobile, bicycle, and/or pedestrian traftic at the existing at-grade railroad crossings and potentially contribute to safety issues along the railroad crossings.

XI. FINDINGS REGARDING ALTERNATIVES

47. The City Council tinds that specific economic, social, environmental, technological, legal or other considerations make infeasible the altematives to the Project as described in the EIR despite remaining impacts, as more fully set forth in the Statement of Overriding Considerations below.

48. The EIR evaluated a reasonable range of alternatives to the project that was described in the DEIR. The four potentially feasible alternatives analyzed in the EIR represent a reasonable range of potentially feasible altematives that reduce one or more significant impacts of the Project. These altematives include: the No Project Altemative, the Reduced Growth Alternative, the Aggressive Growth Alternative, and the Other Victory Court Alternative. As presented in the EIR, the altematives were described and compared with each other and with the proposed project. The Reduced Growth Alternative is identitied as the CEQA-required environmentally superior altemative.

49. The City Council certifies that it has independently reviewed and considered the information on altematives provided in the EIR and in the record. The EIR reflects the City Council's independent judgment as to altematives. The City Council tinds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project does predict some significant and unavoidable environmental impacts, the EIR and City's SCAs mitigate these impacts to the extent feasible. The four altematives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project altemative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the altemative as being infeasible.

50. No Project Alternative: Under this altemative, the Proposed Amendments to the Redevelopment Plan (the Project) would not be adopted, therefore the development and programs described for the Project would not occur. However, the No Project Altemative does include development that could occur even without the Project. This includes certain already approved but not built residential developments in the Broadway/Valdez area (Broadway/West Grand and 2300 Broadway), a smaller entertainment/retail development at 1800 San Pablo compared to what would occur at that location with the Project, and other potential development on City Center parcels (T-5/6 and T-12) and at 1100 Broadway.

51. Reduced Growth Alternative: Under this altemative, the development and programs described for the Project would occur, except that the Broadway/Valdez Triangle

development and the Victory Court-associated development would be developed at a reduced intensity (approximately 50 percent less floor area and fewer residential units

52. Aggressive Growth Alternative: Under this alternative, the development and programs described for the Project would occur, and an additional 15 percent of affordable housing units, which would receive funding as a result of the Proposed Amendments to the Redevelopment Plan, are assumed.

53. Other Victory Court Use Alternative: Under this alternative, the Victory Court area would be developed with other land uses instead of the 39,000-seat ballpark and associated development, as described for the Project.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

54. The City Council finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

The Proposed Amendments Would Foster Growth and Revitalization in the Central District Redevelopment Project Area

55. The Proposed Amendments would enable continuation of projects, programs, investments, and other activities of the Redevelopment Agency that would eliminate blight remaining in the Project Area and facilitate downtown revitalization and growth. The Proposed Amendments would directly facilitate the following development in the Project Area:

    a) Major retail development as desired for the Valdez Triangle area of the Broadway/Valdez District. New comparison goods shopping downtown would increase shopping opportunities in Oakland and stem the leakage of retail spending to other areas.

    b) A new baseball park with surrounding commercial and residential development. The development would provide a viable option for retaining the A's in Oakland, and would strengthen the downtown's role for entertainment and mixed-use development.

    c) Additional entertainment/retail development in the Uptown district.

d) Additional low- and moderate-income housing to expand housing choices in the Project Area.

56. These developments would support Project Area growth of business activity with 4,240 additional jobs and growth of 2,090 households with 3,530 additional residents. This growth would not otherwise occur in downtown Oakland without the Proposed Amendments. The facilitation of these developments would be beneficial as they satisfy several of the goals and objectives of the Central District Redevelopment Plan and the Oakland General Plan.

57. Compared to growth anticipated citywide, the Proposed Amendments would contribute about four percent of the employment growth and about three percent of the population growth anticipated by the ABAG projections, 2010-2035. Without the Proposed Amendments and the redevelopment activities and funding that they would enable, future growth in Oakland is likely to be below the ABAG projections by those percentages

A) THE PROPOSED AMENDMENTS ARE UNLIKELY TO INDUCE SUBSTANTIAL ADDITIONAL GROWTH OUTSIDE THE PROJECT AREA

(1)

(2) NO INFRASTRUCTURE-INDUCED GROWTH

58. Typical examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastmcture systems beyond what is needed to serve project-specitic demand, and the development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped. In this case, the Proposed Amendments would facilitate redevelopment of already developed areas in a central, downtown/CBD location well-served by existing transportation/transit systems and other infrastmcture and utilities. Unlike development on vacant land in an outlying part of the region, the development facilitated by the Proposed Amendments would occur in an already developed urban area and would not require construction or extension of new roads, utilities, and other infrastmcture that might stimulate population and employment growth in previously undeveloped areas.

(3) LIMITED SUPPORT FOR NEW HOUSING GROWTH ELSEWHERE IN OAKLAND

59. The Proposed Amendments would result in affordable housing development. Under California redevelopment law, 15 percent of total new housing units built in the Project Area during the extension period must be affordable to households of low- or moderate-income. In addition, with the Proposed Amendments, the Agency also would be required to allocate 30 percent of gross tax increment revenues from the Project Area to affordable housing (the housing "set-aside"). However, it is likely that most of the housing set-aside during the extension period could be required to provide financial

assistance for meeting the Agency's 15 percent affordable housing production obligation in the Project Area. If some of the housing set-aside were available for other affordable housing beyond the 15 percent obligation in the Project Area, such funds could be used for additional affordable housing either inside or outside the Project Area. Thus, it is possible that some additional affordable housing could be built elsewhere in Oakland as a result of the Proposed Amendment. If so, the additional affordable housing could be built in residential areas and locations identified for housing in the City's General Plan Land Use and Housing Elements.

(4) JOB-INDUCED POPULATION GROWTH LIKELY TO BE ACCOMMODATED BY ANTICIPATED CUMULATIVE GROWTH

60. Employment growth in development facilitated by the Proposed Amendments would support the growth of households and population to provide additional workers. The housing development facilitated by the Proposed Amendments, however, would accommodate additional workers, equivalent to about 50 to 60 percent of the additional jobs. Cumulatively, city growth of housing and employed residents in Oakland is projected to exceed the growth of jobs over time (thereby improving the relationship of jobs and housing in Oakland). Thus, cumulatively, the substantial growth of housing and population already anticipated to occur throughout the city could accommodate the number of additional workers due to the Proposed Amendments as well as the number of additional workers associated with other cumulative job growth. Housing in downtown and the Project Area will represent a large share of the housing to be built in Oakland in the future, and would support the growth of business activities and jobs in the Project Area.

(5) GROWTH SUPPORTED BY ADDITIONAL SPENDING UNLIKELY TO RESULT IN CONSTRUCTION OF ADDITIONAL NEW FACILITIES

61. The major retail and ballpark/mixed-use developments and the entertainment/retail development to be facilitated by the Proposed Amendments would bring visitors, patrons, and shoppers to the Project Area. Their spending would support the businesses and employment to be located in the new developments. There also could be some additional spending, such as for eating and drinking, that would support existing and potential new businesses in nearby parts of the Project Area and downtown. The additional spending is unlikely to result in the construction of new facilities, however, given the large amount of retail and commercial space to be developed as a result of the Proposed Amendments, and the availability of commercial space in existing buildings downtown.

(6) SHIFTS OF SOME EXISTING COMMERCIAL AND INDUSTRIAL ACTIVITY TO OTHER AREAS

62. Development in the Project Area that is facilitated by the Proposed Amendments is anticipated to require the demolition of some existing commercial and industrial buildings/facilities. The loss of existing space would result in some shifts of existing

business activity to other areas of Oakland, and increased occupancy of commercial and industrial space in those areas. There are commercial corridors and industrial areas in Oakland that contain vacant and underutilized facilities and sites that would benefit from increased market interest and shifts in demand from other areas. The magnitude of shifts would not be large in the context of business activity citywide, and would not be expected to lead to construction of new facilities in most cases.

63. The loss of space in the Valdez Triangle area could shift auto dealership activity to the north along Broadway and/or to locations along I-880 in the vicinity of the Coliseum. It could shift auto service and other commercial activities to the west toward Telegraph Avenue, as well as to parts of downtown, North Oakland, and West Oakland. The loss of industrial and industrial/ commercial space for new development in the Victory Court area could shift business activity to other locations, such as along the San Leandro Street industrial corridor in East Oakland, in areas between I-880 and the Estuary, and in parts of West Oakland. There also could be some shifts of business activity outside of Oakland to locations along the I-880 and/or I-80 corridors.

B) FROM A REGIONAL PERSPECTIVE, THE PROPOSED AMENDMENTS WOULD ACCOMMODATE MORE GROWTH IN DOWNTOWN OAKLAND, THEREBY REDUCING GROWTH PRESSURES ELSEWHERE

64. From a regional perspective, the Proposed Amendments would affect the distribution and location of growth within the East Bay and Bay Area region. It would result in more growth in Oakland and downtown Oakland, at the center of the region, and less growth in other areas.

65. Major retail shopping, entertainment/retail, and ballpark/commercial developments in the Project Area as a result of the Proposed Amendments, would capture activity that would otherwise locate elsewhere in the East Bay and/or Bay Area. For example, other locations for a new ballpark have included Fremont and downtown San José. Development of major retail shopping in the Project Area would increase shopping opportunities in Oakland and stem the leakage of retail spending to areas outside of Oakland in the East Bay and San Francisco. Thus, the Proposed Amendments would facilitate ballpark and associated commercial development in a central, regional location with good transportation/transit accessibility from throughout the region. It would facilitate retail development in closer proximity to Oakland consumers thereby reducing their travel distances for shopping trips.

66. The Proposed Amendments also would accommodate more housing and population growth in the Project Area, thereby reducing demand for housing in more outlying locations. The project would support additional housing in a central Bay Area location with strong housing demand. Higher-density housing in the Project Area attracts households with a high proportion of working adults who value good accessibility to workplaces nearby and elsewhere in the Inner East Bay and San Francisco. Over the long term, with the Proposed Amendments, more higher-density housing in downtown Oakland at the center of the region is likely to resuft in a larger total regional housing

supply than would a more dispersed, lower-density pattern of regional development, and it would result in more housing in close proximity to employment centers in the Central Bay Area.

C) SUMMARY

67. Overall, the effects of the Proposed Amendments on growth would be largely beneficial and not considered substantial and adverse.

EXHIBIT B

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

STANDARD CONDITIONS OF APPROVAL / MITIGATION AND MONITORING REPORTING PROGRAM (SCAMMRP)
PROPOSED AMENDMENTS TO THE CENTRAL DISTRICT URBAN RENEWAL PLAN

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact AES-3: Development facilitated by the Proposed Amendments would facilitate the creation of new sources of light or glare which could substantially and adversely affect day or nighttime views in the area.	Standard Condition of Approval 40, Lighting Plan 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.	SCA 40: Prior to the issuance of an electrical or building permit	City of Oakland CEDA-Planning and Zoning Division; Electrical Services Division of the Public Works Agency for review and approval; and City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved features are incorporated into the Final Development Plan for any development facilitated by the Proposed Amendments; Confirm implementation of the design features during construction.
Impact AIR-2: Development facilitated by the Proposed Amendments would not fundamentally conflict with the CAP because the plan demonstrates reasonable efforts to implement control measures contained in the CAP.	Standard Condition of Approval 25, Parking and Transportation Demand Management This SCA would apply to all development projects facilitated by the Proposed Amendments consisting of 50 or more new residential units, or 50,000 square feet or more of new non-residential space. Prior to issuance of a final inspection of the building permit. The property owner shall pay for and submit for review and approval by the City a Transportation Demand Management (TDM) plan containing strategies to • Reduce the amount of traffic generated by new development and the expansion of existing development, pursuant to the City's police power and necessary in order to protect the public health, safety and welfare. • Ensure that expected increases in traffic resulting from growth in employment and housing opportunities in the City of Oakland will be adequately mitigated. • Reduce drive-alone commute trips during peak traffic periods by using a combination of services, incentives, and facilities. • Promote more efficient use of existing transportation facilities and ensure that new developments are designed in ways to maximize the potential for alternative transportation usage. • Establish an ongoing monitoring and enforcement program to ensure that the desired alternative mode use percentages are achieved. The property owner shall implement the approved TDM plan. The TDM plan shall include strategies to increase bicycle, pedestrian, transit and carpools/vanpool use. All four modes of travel shall be considered, and parking management and parking reduction strategies should be included. Actions to consider include the following: 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 Bicycle Parking Ordinance, shower, and locker facilities in commercial developments that exceed the	SCA 25: Prior to issuance of a building permit	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Verify that TDM measures identified are implemented.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	requirement			
Impact AIR-2 (cont.)	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. a. 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 artarials. b. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. c. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops pentransit agency plans or negotiated improvements. d. 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). e. Employees or residents can be provided with a subsidy, determined by the property owner and subject to review by the City, if the employees or residents use transit or commute by other alternative modes. f. Provision of shuttle service between the development and nearest mass transit station, or ongoing contribution to existing shuttle or public transit services. g. Guaranteed ride home program for employees, either through 511.org or through separate program. h. Pre-tax commuter benefits (commuter checks) for employees. i. 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. j. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools. k. Distribution of information concerning alternative transportation options. l. 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. m. Parking management strategies; including attendant/valet			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	parking and shared parking spaces.			
Impact AIR-2 (cont.)	n. Requiring tenants to provide opportunities and the ability to work off-site. o. 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. p. 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 property owner shall submit an annual compliance report for review and approval by the City. This report will be reviewed either by City staff (or a peer review consultant, chosen by the City and paid for by the property owner). If timely reports are not submitted, the reports indicate a failure to achieve the stated policy goals, or the required alternative mode split is still not achieved, staff will work with the property owner to find ways to meet their commitments and achieve trip reduction goals. If the issues cannot be resolved, the matter may be referred to the Planning Commission for resolution. Property owners shall be required, as a condition of approval, to reimburse the City for costs incurred in maintaining and enforcing the trip reduction program for the approved project			
Impact AIR-3: Development facilitated by the Proposed Amendments could include residential developments that expose occupants to substantial health risk from diesel particulate matter (DPM) from mobile and stationary sources. Although compliance with City's Standard Conditions of Approval would provide that a site specific health risk assessment (HRA) be prepared, and that would reduce exposures to DPM sources to less than significant, there is no assurance that exposure to gaseous TACs could be reduced to a less-than-significant level at every site.	Standard Condition of Approval 94, Indoor Air Quality In order to comply with the California Air Resources Board Air Quality and Land Use Handbook (June 2005) and achieve an acceptable interior air quality level for sensitive receptors, appropriate measures, shall be incorporated into project building design. The appropriate measures shall include one of the following methods: 1. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to stationary air quality polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. 2. The applicant shall implement the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These	SCA 94: Prior to approval of Final Development Plan for each stage.	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved design features are incorporated into the Final Development Plan for any development facilitated by the proposed amendments; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	shall be submiaed to the Planning and Zoning Diviaion and the			
Impact AIR-3 (cont.)	Building Services Division for review and approval prior to the issuance of a demolition, grading, or building pennit and ongoing. a. Do not locate sensitive receptors near distribution center's entry and exit points. b. Do not kx ate sensitive receptors in the same txilding as a perchloroleythene dry cleaning facility. c. Maintain a 50' buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year). d. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in me building, or in each individual residential umt, that meets the efficiency standard of the MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filtera shall be used. e. Retain a qualified HV consultant or HERS rater during the design phase of the project to kxcate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources. f. Maintain positive pressure within the building. g. Achieve a performanca standard of at least one air exchanga per hour of fresh outside filtered air. h. Achieve a performance standard of at least 4 air exchanges per hour of recirculation i. Achieve a performance standard of .25 air exchanges per hour ot in unfiltered infiltration if the building is nct positively pressurized. j. Project applicant shall maintain, repair and/or replace HV system or prepare an Operation and Maintenance Manual for the HV system and the filter. The manual shall include the operating instructions and maintenance and replacement schedule. This manual shall be included in the CC&R's for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate Homeowners Manual. The manual shall contain the operating instructions and maintenance and replacement schedule for the HV system and the filters. It shall also include a disclosure to the buyers of the air quality analysis findings.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-1: Development facilitated by the Proposed Amendments could adversely affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	Standard Conditions of Approval 44, Tree Removal During Breeding Season To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors and/or any federally protected migratory bird species shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have succeasfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest	SCA 44: Prior to issuance of tree removal permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection; City of Oakland Public Works Agency-Tree Services Division.	Review and confirm approved landscape and tree replacement plan is incorporated into the Final Development Plan for development facilitated by the proposed amendments; Confirm implementation of the landscape and tree replacement plan during construction.
	Standard Conditions of Approval A, Bird Collision Reduction Applies to all new construction, including telecommunication towers, which include large uninterrupted expanses of glass that account for more than 40 percent of any one side of the a building's exterior AND at least one of the following: • The project is located immediately adjacent to a substantial water body (i.e., Oakland Estuary, San Francisco Bay, Lake Merritt or other substantial lake, reservoir, or wetland; OR • The project is located immediately adjacent to a substantial recreation area or park (i.a , Region-Serving Park, Resource Conservation Areas, Community Parks, Neighborhood parks, and linear parks and Special Use Parks over 1 acre in size), which contain substantial vegetation; OR • The project includes a substantial vegetated or greenroof (roofs with growing medium and plants taking the place of asphalt, tile, gravel, or shingles, but excluding container gardens): Concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing. The project applicant, or his or her successor, including the building manager or Home Owner's Association, shall submit plans to the Planning and Zoning	SCA A: Concurrent with submittal of the Final Development Plan planning applications, and ongoing.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved design features are incorporated into the Final Development Plan for developments facilitated by the Proposed Amendments; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-1 (cont.)	Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent a) Mandatory measures include all of the following: i. Comply with federal avistion safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Monopole structures or antennas shall not include guy wires. iv. Avoid the use of minors in landscape design. v. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roots, water features) near glass. b) Additional BMP strategies to consider include the following: i. Make clear or reflective glass visible to birds using visual noise techniques. Examples include: 1. Use of opaque or transparent glass in window panes instead of reflective glass. 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm). 3. Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance) 4. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less. 5. Place decorative grilles or louvers with spacing of 10 cm or less. 6. Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside. 7. Install internal screens through non-reflective glass (as close to the glass as possible) for birds to percaive windows as solid objects.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-1 (cont.)	e. Install windows which have the screen on the outside of the glass. 9. Use UV-reflective glass. Most birds can see ultraviolet light which is invisible to humans. 10. If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity. ii. Mute reflections in glass. Examples include: 1. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees) 2. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections. iii. Reduce Light Pollution. Examples include: 1. Turn off all unnecessary interior lights from 11 p.m. to sunrise. 2. Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours. 3. Reduce perimeter lighting whenever possible. iv. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes: 1. Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws. 2. Production of educational materials on bird-safe practices for the building occupants 3. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day. 4. Schedule nightly maintenance cleaning the day or to conclude before 11 p.m., if possible.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-3: Development facilitated by the Proposed Amendments could have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means.	Standard Condition of Approval 55, Erosion and Sedimentation Control Plan Prior to any grading activities. The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on adjacent lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment Ongoing throughout grading and construction activities. 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.	SCA 55: Prior to any grading activities; Ongoing throughout grading and construction activities.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plan for any development facilitated by the Proposed Amendments to verify compliance with the applicable requirements of the Erosion and Sedimentation Control Plan are incorporated; Conduct regular inspections of the construction sites to verify compliance with the Plan.
	Standard Condition of Approval 35, Hazards Best Management Practices 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.	SCA 35: Prior to the commencement of demolition, grading, or construction.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Verify Project construction plans for developments facilitated by Proposed Amendments incorporate all BMPs; Conduct regular visits to the project construction sites to confirm that all applicable measures are being implemented or complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-3 (cont.)	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.			
	Standard Condition of Approval 75, Stormwater Pollution Prevention Plan 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 though the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	SCA 75: Prior to and ongoing throughout demolition, grading, and/or construction activities.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the SWPPP for completeness; Verify required NOI is filed with SWRCB; Conduct regular inspections of the construction sites to verify compliance with the SWPPP and that all measures are implemented.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-3 (cont.)	Standard Condition of Approval 80, Post-construction Stormwater Pollution Management Plan Prior to issuance of building permit (or other construction-related permit). The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable. a. The post-construction stormwater management plan shall include and identify the following: i. All proposed impervious surface on the site; ii. Anticipated directional flows of on-site stormwater runoff; and iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and iv. Source control measures to limit the potential for stormwater pollution; v. Stormwater treatment measures to remove pollutants from stormwater runoff; and vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit b. The following additional information shall be submitted with the post-construction stormwater management plan: i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.	SCA 80: Prior to issuance of building permit (or other construction-related permit); Prior to final permit inspection.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plans to verify all post-construction measures identified in the SWPPP are implemented; Conduct regular inspections of the construction sites to verify compliance with the SWPPP and that all measures are implemented.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-3 (cont.)	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. Prior to final permit inspection. The applicant shall implement the approved stormwater management plan.			
Impact BIO-4: Development facilitated by the Proposed Amendments could substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Standard Condition of Approval 44, Tree Removal During Breeding Season (listed under Impact BIO-1)	See SCA 44 listed under Impact Bio-1 above.	See SCA 44 listed under Impact Bio-1 above.	See SCA 44 listed under Impact Bio-1 above.
	Standard Condition of Approval A, Bird Collision Reduction (listed under Impact BIO-1)	See SCA A listed under Impact BIO-1 above.	See SCA A listed under Impact BIO-1 above	See SCA A listed under Impact BIO-1 above.
Impact BIO-6: Development facilitated by the Proposed could fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code Chapter 12.36) by removal of protected trees under certain circumstances.	Standard Condition of Approval 46, Tree Replacement Plantings Replacement plantings shall be required for erosion control, groundwater replenishment visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria: 1) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. 2) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division. 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 bees may be substituted for each twenty-four (24) inch box size tree where appropriate. 3) Minimum planting areas must be available on site as follows: • For Sequoia sempervirens, three hundred fifteen square feet per tree;	SCA 46: Prior to issuance of a final inspection of the building permit	City of Oakland Public Works Agency-Tree Services Division; City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved landscape and tree replacement plan is incorporated into the Final Development Plan for developments facilitated by the Proposed Amendments; Confirm implementation of the landscape and tree replacement plan during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-6 (cont.)	• For all other species listed in #2 above, seven hundred (700) square feet per tree. 4) 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. 5) 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.			
	Standard Condition of Approval 47, Tree Protection during Construction Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: 1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. 2) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be irxxorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. 3) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to	SCA 47: Prior to issuance of a demolition, grading, or building permit	City of Oakland Public Works Agency-Tree Services Division; City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved landscape and tree replacement plan is incorporated into the Final Development Plan for developments facilitated by the Proposed Amendments; Confirm implementation of the landscape and tree replacement plan during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-6 (cont.)	be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. 4) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. 5) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed. 6) All debris created as a result of any tree removal work shall be removed by the Project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the Project applicant in accordance with all applicable laws, ordinances, and regulations.			
Impact BIO-7: Development facilitated by the Proposed Amendments could fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.	Standard Condition of Approval 83, *Creek Protection Plan* a. The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site. b. If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.	SCA 83: Prior to and ongoing throughout demolition, grading, and/or construction activities	City of Oakland Public Works Agency; City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plans for any developments facilitated by the Proposed Amendments to verify compliance with the applicable requirements of the Creek Protection Plan are incorporated.
	Standard Condition of Approval 55, *Erosion and Sedimentation Control Plan*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 57, *Vibrations Adjacent to Historic Structures* The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the affected historic building(s) and design means and methods of construction that shall be utilized to not exceed the thresholds.	SCA 57: Prior to issuance of a demolition, grading or building permit	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Verify submittal, review and approval of assessment and plan prepared by qualified appropriate professional; Confirm implementation of approved plan.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact BIO-7 (cont.)	Standard Condition of Approval 35, *Hazards Best Management Practices*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 75, *Stormwater Pollution Prevention Plan*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 80, *Post-construction Stormwater Pollution Management Plan*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
Impact BIO-8: Construction activity and operations of development facilitated by the Proposed Amendments, in combination with past, present, existing, approved, pending and reasonably foreseeable future projects in the Project Area, would not result in impacts on special-status species, sensitive habitats, wildlife movement corridors, wetlands, and other waters of the U.S.	Standard Condition of Approval 57, *Vibrations Adjacent to Historic Structures*	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.
	Standard Condition of Approval 35, *Hazards Best Management Practices*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 55, *Erosion and Sedimentation Control Plan*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 75, *Stormwater Pollution Prevention Plan*	See SCA 55 listed under Impact BIO-3 above	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 80, *Post-construction Stormwater Pollution Management Plan*	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 44, *Tree Removal During Breeding Season* (listed under Impact BIO-1)	See SCA 44 listed under Impact BIO-1 above.	See SCA 44 listed under Impact BIO-1 above	See SCA 44 listed under Impact BIO-1 above.
	Standard Condition of Approval 45, *Tree Removal 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*	SCA 45: Prior to issuance of a demolition, grading, or building permit	City of Oakland Public Works Agency-Tree Services Division; City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved landscape and tree replacement plan is incorporated into the Final Development Plan for developments facilitated by the Proposed Amendments; Confirm implementation of the landscape and tree replacement plan during construction.
	Standard Condition of Approval 46, *Tree Replacement Plantings* (listed under Impact BIO-6)	See SCA 46 listed under Impact BIO-6 above.	See SCA 46 listed under Impact BIO-6 above.	See SCA 46 listed under Impact BIO-6 above.
	Standard Condition of Approval 47, *Tree Protection during Construction* (listed under Impact BIO-6)	See SCA 47 listed under Impact BIO-6 above.	See SCA 47 listed under Impact BIO-6 above.	See SCA 47 listed under Impact BIO-6 above.
	Standard Condition of Approval A, *Bird Collision Reduction* (listed under Impact BIO-1)	See SCA A listed under Impact BIO-1 above.	See SCA A listed under Impact BIO-1 above.	See SCA 47 listed under Impact BIO-1 above.
	Standard Condition of Approval 83, *Creek Protection Ordinance*	See SCA 63 listed under Impact BIO-7 above.	See SCA 63 listed under Impact BIO-7 above.	See SCA 63 listed under Impact BIO-7 above.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact CUL-1: Development facilitated by the Proposed Amendments could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources.	**Mitigation Measure CUL-1:** a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures. • Avoidance. The City shall ensure that all future redevelopment activities allowable under the Proposed Amendments, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). • Adaptive Reuse. If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties. • Appropriate Relocation. If avoidance or adaptive reuse in situ is not feasible, pursuant to SCA CUL-4, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), redevelopment projects able to relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.6.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district b) Future Site-specific Surveys and Evaluations. Although most of the Project Area has been surveyed by the City of Oakland's OCHS, evaluations and ratings may change with time and other conditions. As such, there may be numerous other previously unidentified historical resources which would be affected by future redevelopment activities, including demolition, alteration, and new construction. For any future redevelopment project that would occur on or immediately adjacent to buildings 50 years old or older, and would occur between 2012 and 2023 (i.e., buildings constructed prior to 1973), the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the Secretary of the Interior's Standards for architectural history. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future redevelopment activities, including demolition, alteration, and new construction, would avoid, adaptively reuse and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above.	**Mitigation Measure CUL-1:** Each project applicant shall prepare and submit the final survey, recordation, and public interpretation program as part of submittal of the Final Development Plan for developments facilitated by the Proposed Amendments. All development shall also make financial contributions to the City Oakland as stipulated under the General Plan.	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection; Oakland Cultural Heritage Survey (OCHS); Oakland Landmarks Preservation Advisory Board.	Review and confirm final survey, recordation, and public interpretation program as part of submittal of the Final Development Plan for developments facilitated by the Proposed Amendments. Confirm financial contributions have been made to the City Oakland as required.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact CUL-1 (cont.)	c) Recordation and Public Interpretation. If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures) is determined infeasible as part of any future redevelopment scenarios, the City shall evaluate the feasibility of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed: • Recordation. Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires large-format photo-documentation of historic structures, a written report and measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at local repositories, such as public libraries, historical societies, and the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Project Area, including those that are relocated pursuant to measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource. • Public Interpretation. A public interpretation program would be developed by a qualified historic consultant in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Project Area. Photographic recordation and public interpretation of historically significant properties prior to their demolition or alteration does not typically mitigate the loss of potentially historic resources to a less-than-significant level (CEQA Section 15126.4(b)(2)). d) Financial Contributions. If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures) and measure "b" (Future Site- specific Surveys and Evaluations) are not satisfied, the			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact CUL-1 (cont.)	project applicants of specific projects facilitated by the Proposed Amendments shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Project Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program, or the Property Relocation Assistance Program. This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure "c" (Recordation and Public Interpretation), would not reduce the impacts to less-than-significant levels.			
Impact CUL-2: Development facilitated by the Proposed Amendments could result in significant impacts to both known and unknown archaeological resources.	Standard Condition of Approval 52, Archaeological Resources a Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. b. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out c. Should an archaeological artifact or feature t a 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	SCA 52: Ongoing throughout demolition, construction and grading.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Conduct regular visito to the construction sites to confirm that all applicable measures are being implemented or complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact CUL-2 (cont.)	assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measures recommended by the archaeologist. Should archaeologically-significam materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings tor submittal to the Northwest Information Center.			
Impact CUL-3: Devetopment facilitated by the Proposed Amendments could directly or indirectly desboy a unique paleontological resource or site or unique geologic feature.	Standard Condition of Approval 54, *Paleontologicsl* Resources 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 paleontotogist (per Society of Vertetxate Paleontology standards [SVP 1995,1996]). The qualified paleontotogist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontotogist shall notify the appropriate agencies to determine procedures that wxuk) 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 sutxnitted to the City for review and approval.	SCA 54: Ongoing throughout demolition, grading, and consbuction.	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Confirm required agency notifications and consultations are conducted by the qualified paleontologist if resources are found; Review and approve the excavation plan and confirm the plan e implemented pursuant to the plan.
Impact CUL-4: Devetopment facilitatad by the Proposed Amendments could disturo hunan remains, including those interred outside of formal cemeteries.	Standard Condition of Approval 53, *Human Remains* 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.	SCA 53: Ongoing throughout demolition, grading, and construction.	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Sendces Division, Zoning Inspection.	Confirm required agency notifications and consultations are conduclad if human skeletal remains are found; Review and approve an alternative plan and confirm that the plan is implemented prior to resuming coostroction.
	Standard Condition of Approval 52, *Archaeological* Resources (listed under Impact CUL-2)	See SCA 52 listed under Impact CUL-2 above.	See SCA 52 listed under Impact CUL-2 above.	See SCA 52 listed under Impact CUL-2 above.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact CUL-5: Development facilitated by the Proposed Amendments, combined with cumulative development in the Project Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources.	Standard Condition of Approval 52, Archaeological Resources (listed under Impact CUL-2)	See SCA 52 listed under Impact CUL-2 above.	See SCA 52 listed under Impact CUL-2 above.	See SCA 52 listed under Impact CUL-2 above.
	Standard Condition of Approval S3, Human Remains (listed under Impact CUL-4)	See SCA-53 listed under Impact CUL-4 above.	See SCA-53 listed under Impact CUL-4 above.	See SCA-S3 listed under Impact CUL-4 above.
	Standard Condition of Approval 54, Paleontological Resources (listed under Impact CUL-3)	See SCA 54 listed under Impact CUL-3 above.	See SCA 54 listed under Impact CUL-3 above.	See SCA 54 listed under Impact CUL-3 above.
	Standard Condition of Approval 56, Compliance with Policy 3.7 of the Historic Preservation Elemem (Property Relocation Rather than Demolition) The project applicam shall make a good faith effort to relocate the affected building(s) to a site acceptatle to the Planning and Zoning Division and the OCHS. Good taith efforts include, at a minimum, the following: 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 news media acceplable 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 Landmarks Preservation Advisory Board) 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 56: Prior to issuance of a demolitian permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection; Oakland Cultural Heritage Survey (OCHS).	Confirm "good faith effort" made by Project applicant prior to demolition.
	Standard Condition of Approval 57, Vibrations Adjacent to Historic Structures (see SCA 57 listed under Impact BIO-7 above.)	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.
	Mitigation Measure CUL-1 (listed under Impact CUL-1).	See MM CUL-1 listed under Impact CUL-1 above.	See MM CUL-1 listed under Impact CUL-1 above.	See MM CUL-1 listed under Impact CUL-1 above.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GEO-1: Development facilitated by the Proposed Amendments could expose people or structures to seismic hazards such as ground shaking and seismic-related ground failure such as liquefaction, differential settlement or lateral spread	Standard Condition of Approval 58, Soils Report A preliminary soils report for each construction site within the project area shall be required as part if 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: 1. Logs of borings and/or profiles of test pits and trenches: a. 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. b. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. c. All boring logs shall be included in the soils report 2. Test pits and trenches a. Test pits and benches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. b. Soils profiles of all test pits and trenches shall be included in the soils report 3. 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 4. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit 5. A written Soils 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	SCA 58: Required as part of the submittal of a Tentative Tract Map (TTM) or Tentative Parcel Map (TPM).	City of Oakland CEDA Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm approved design features are incorporated into the final Project plans and as part of the TTM/TPM; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GEO-1 (cont.)	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 6. 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 data 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.			
	Standard Condition of Approval 59, Geotechnical Report 1. A site-specific design level geotechnical investigation for the construction site within the project area (which is typical for any large, phased development project) shall be required as part of this project. 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).	SCA 59: Required as part of the submittal of a TTM or TPM.	City of Oakland CEDA Building Services Division.	Review and approve site-specific, design level geotechnical investigation report; Confirm design measures from the report are incorporated into final project plans and a part of the TTM and TPM; verify implementation of all measures during construction.

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Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GEO-1 (cont.)	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 subdivider of further geologic and engineering studies to more adequately define active fault traces. viii. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.			
Impact GEO-2: Development facilitated by the Proposed Amendments could be subjected to geologic hazards, including expansive soils, subsidence, seismically induced settlement and differential settlement.	Standard Conditions of Approval 68, Soils Report (listed under Impact GEO-1)	See SCA 58 listed under Impact GEO-1 above.	See SCA 56 listed under Impact GEO-1 above	See SCA 88 listed under Impact GEO-1 above.
	Standard Condition of Approval 59, Geotechnical Report (listed under Impact GEO-1)	See SCA 59 listed under Impact GEO-1 above.	See SCA 59 listed under Impact GEO-1 above.	See SCA 59 listed under Impact GEO-1 above.
Impact GHG-1: Development facilitated by the Proposed Amendments would produce greenhouse gas emissions that exceed 1,100 metric tons of CO_{2e} per year, but that would not exceed 4.6 metric tons of CO_2e per service population annually.	Standard Condition of Approval B, GHG Reduction Plan a) Standard Condition of Approval B, Greenhouse Gas Reduction Plan - involve land use development (i.e., a project that does not require a permit from the BAAQMD to operate); b) produce total GHG emissions of more than 1,100 metric tons of CO_2e annually OR more than 4.6 metric tons of CO_2e per service population annually (with "service population" defined as the total number of employees and residents of the project)[1]; and	SCA B: The Final GHG Plan would be implemented by individual Project applicants, who pursued development as a result of the Proposed Amendments. Each project would require a regular periodic evaluation over	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Verify that GHG measures identified to be implemented for each project and that all "Implementation, Reporting, Monitoring and Funding" requirements identified in the projects' Final GHG Plan are implemented and complied with.

[1] Because SCA B applies to projects that exceed either numeric threshold, it therefore can apply to projects that do not have a significant CEQA impact for GHG emissions (i.e., produces emissions that exceed BOTH numeric thresholds) if that project also meets criteria "a" and "c".

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-1 (cont.)	c) is either a: • Residential development of more than 500 units; • Shopping center or business establishment employing more than 1,000 persons or containing more than 500,000 square feet of total floor area; • Commercial office building employing 1,000 persons or containing more than 250,000 square feet of total floor area; • Hotel or motel containing more than 500 rooms; • Industrial, manufacturing, or processing plant or industrial park employing more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of total floor area; or • Any combination of smaller versions of the above that when combined result in equivalent annual CO_2e emissions as the above. The project applicant/sponsor shall retain a qualified air quality consultant to develop a GHG Reduction Plan for City review and approval. The applicant/sponsor shall implement the approved GHG Reduction Plan. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies; (b) an "adjusted" baseline GHG emissions inventory for the project taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures; project design features, and other City requirements); (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions; and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase. Potential additional GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.	the life of the projects to determine the efficacy of the specific additional GHG reduction measures identified in the Final GHG Plan.		

Environmental Impact	Mitigation Measures or Standard Conditions	Implsmantation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-1 (cont.)	The proposed additional GHG reduction measures must be reviewed and approved by the City. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "carbon credits"). For proposed reduction measures involving the purchase of carbon credits, the City will give preference to proposed payments to the City to offset the costs associated with implementation of GHG reduction strategies identified in the City's Energy and Climate Action Plan (ECAP). The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; and (3) off-site within the State of California. For physical GHG reduction measures to be incorporated into the design of the project the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects). For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits (either to fund GHG-reducing activities identified in the ECAP or to fund non-ECAP GHG-reducing activities), evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the subject project (or prior to completion of the project phase for phased projects). The GHG Reduction Plan shall be considered fully attained when project emissions are less than both applicable numeric BAAQMD CEQA Thresholds, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below. Compliance, Monitoring and Reporting. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emisskms reductions over time, as			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-1 (cont.)	well as the efficacy of the specific additional GHG reduction measures identified in the Plan. Implementation of the additional GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with a Mitigation Monitoring and Reporting Program, as will be implemented through Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to City review and approval. The Annual Report shall be submitted to an independent reviewer of the City's choosing, to be paid for by the project applicant/sponsor (see *Funding*, below), within two months of the anniversary of the Certificate of Occupancy. The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the actual adjusted emissions. "Actual Adjusted Emissions" shall be established 6 months after the first anniversary of the Certificate of Occupancy through preparation and approval of a baseline emissions inventory conducted at each anniversary of the Certificate of Occupancy. If the City determines that the GHG Reduction Plan has been fully attained (i.e., project emissions are less than both applicable numeric BAAQMD CEQA Thresholds), it shall have the discretion to require Annual Reports be submitted at least every three years thereafter. *Funding.* Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account to be used exclusively for preparation of Annual Reports and review and evaluation by the City, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-1 (cont.)	Corrective Procedure. If the third Annual Report or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goals, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to achieve the GHG emissions reduction targets, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan. If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed. The penalty as described in (a) above shall be determined by the City and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan and the City determines that the emissions reduction from the baseline emissions inventory conducted at each anniversary of the Certificate of Occupancy. The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan. *Timeline Discretion and Summary.* The City shall have the discretion to modify the timing of reporting and all other requirements of this standard condition of approval as needed to adapt to a specific project or coincide with other related monitoring and reporting (e.g., for a TDM Plan) required for the project			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Rssponsibility	Monitoring Procedure
Impact GHG-1 (cont)	• Fund Escrow-type Account for City Review: Certificate of Occupancy plus 2 months • Submit Baseline Inventory of "Actual Adjusted Emissions": Certificate of Occupancy plus 1 year • Submit Annual Report #1: Certifk ate of Occupancy plus 2 years • Submit Corrective GHG Action Plan (if needed): Certificate of Occupancy plus 4 years (based on findings of Annual Report #3 • Post Attainment Annual Reports: Minimum every 3 years and at the City's discretion			
Impact GHG-2: Development facilitated by the Proposed Amendments would not conflict with any applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions	Standard Condition of Approval B, Greenhouse Gas Reduction Plan (listed under GHG -2)	See SCA B listed within SCA CHC-1 under Impact GHG-1 above.	See SCA B listed within SCA CHC-1 under Impact GHG-1 above.	See SCA B listed within SCA CHC-1 under Impact GHG-1 above.
	Standard Condition of Approval 25, Parking and Transportation Demand Management (listed under Impact AIR-2)	See SCA 25 listed under Impact AIR-2.	See SCA 25 listed under Impact AIR-2.	See SCA 25 listed under Impact AIR-2.
	Standard Condition of Approval 28, Dust Control During consbuction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) "Basic" and "Enhanced" dust contrct procedures required for construction sites. These include, as applk able: Bssic (applies to all construction sites) a) Water all active construction areas at least twice daily. Watering should t e sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 mites per hour. Reclaimed water should be used whenever possible. b) Cover all tiucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet ot freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at consbuction sites. d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access rcads, parking areas and staging areas at construction sites. e) Sweep streets (with water sweepers using reclaimed wafer if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.	SCA 28: Prior to issuance of a demolition, grading or building permit	City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Confirm imptementetion of the measures during construction; Conduct regular inspections of the construction sites to verify compliance.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-2 (cont.)	f) Limit the amount of the disturbed area at any one time, where feasible. g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 miles per hour. h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. i) Replant vegetation in disturbed areas as quickly as feasible. j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Limit traffic speeds on unpaved roads to 15 miles per hour. l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas. Enhanced (*All "Basic" Controls listed above, plus the following if the construction site is greater than four acres)* All "Basic" controls listed above, plus: 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. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction. p) Install appropriate wind breaks at the construction site to minimize wind blown dust			
Impact GHG-2 (cont.)	Standard Condition of Approval 27, Construction Emissions To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to: a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with	SCA 27: Prior to issuance of a demolition, grading or building permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Confirm implementation of the measures during construction; Conduct regular inspections of the construction sites to verify compliance.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-2 (cont.)	power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105. b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period. As SCA 27 is not restrictive, the following supplemental conditions shall apply: c) The project applicant shall develop and submit to the City for approval a plan that demonstrates BAAQMD compliance per SCA 27 condition "a". d) In addition to low-NOx tune-ups to be conducted per SCA 27 condition "b", all construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. e) All construction equipment diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM. f) The project applicant shall develop and submit to the City for approval a plan that demonstrates all off-road equipment greater than 50 horsepower (including equipment that is owned or leased and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available g) Idling times shall be minimized either by shutting equipment off when not is 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) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-2 (cont.)	Standard Condition of Approval 41, Asbestos Removal in Structures If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolished and disposed, 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.	SCA 41: Prior to issuance of a demolition permit	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit City of Oakland, CEDA Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Review and approve specifications as submitted by asbestos consultant; Verify compliance with applicable laws and regulations.
	Standard Condition of Approval 55, Erosion and Sedimentation Control Plan	See SCA 55 listed under Impact BIO-7.	See SCA 55 listed under Impact BIO-7.	See SCA 55 listed under Impact BIO-7.
	Standard Condition of Approval 75, Stormwater Pollution Prevention Plan	See SCA 75 listed under Impact BIO-3.	See SCA 75 listed under Impact BIO-3.	See SCA 78 listed under Impact BIO-3.
	Standard Condition of Approval 83, Creek Protection Plan	See SCA 83 listed under Impact BIO-7.	See SCA 83 listed under Impact BIO-7.	See SCA 83 listed under Impact BIO-7.
	Standard Condition of Approval 12, Required Landscape Plan for New Construction and Certain Addition to Residential Facilities Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet The landscape plan and the plant materials installed pursuant to the approved plan shall conform to all provisions of Chapter 17.124 of the Oakland Planning Code, including the following: a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species. b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions. c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans	SCA 12: Prior to issuance of a building permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plan for any development facilitated by the Proposed Amendments to verify the applicable landscape requirements are incorporated.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-2 (cont.)	shall be fire-resistant The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant fire-resistant and drought-tolerant d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.			
	Standard Condition of Approval 13, Landscape Requirements for Street Frontages 1. All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning. 2. In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.	SCA 13: Prior to issuance of a final inspection of the building permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plan for any development facilitated by the Proposed Amendments to verify the applicable landscape requirements are incorporated.
	Standard Condition of Approval 17, Landscape Requirements for Street Frontages(commercial and manufacturing) 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 (8½) 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.	SCA 17: Prior to issuance of a final inspection of the building permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review the Final Development Plan for any development facilitated by the Proposed Amendments to verify the applicable landscape requirements are incorporated.
	Standard Condition of Approval 18, Landscape Maintenance (commercial and manufacturing) 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.	SCA 18: Ongoing.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Conduct regular inspections of the project sites to verify compliance with the applicable landscaping requirements.
	Standard Condition of Approval 46, Tree Replacement Plantings	See SCA 46 listed under Impact BIO-6.	See SCA 46 listed under Impact BIO-6.	See SCA 46 listed under Impact BIO-6.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact GHG-2 (cont.)	Standard Condition of Approval 15, Landscape Maintenance (residential) All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	SCA 15: Ongoing	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Conduct regular inspections of the project sites to verify compliance with the applicable landscaping requirements.
	Standard Condition of Approval 36, Waste Reduction and Recycling The project applicant will submit a Construction and Demolition WRRP and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition 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 construction and demolition 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/Page35.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan. 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 locentive programs shall remain fully operational as long as residents and businesses exist at the project site.	SCA 36: Prior to issuance of demolition, grading, or building permit	City of Oakland Public Works Agency; City of Oakland CEDA-Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Review and confirm approved WRRP and ODP requirements are incorporated into final project plans; Confirm implementation of the WRRP and ODP during construction.
Impact HAZ-1: Development facilitated by the Proposed Amendments would result in an increase in the routine transportation, use, and storage of hazardous chemicals.	Standard Condition of Approval 36, Hazard Best Management Practices (listed under Impact BIO-3)	See SCA 35 listed under Impact BIO-3.	See SCA 35 listed under Impact BIO-3.	See SCA 35 listed under Impact BIO-3.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact HAZ-2: Development facilitated by the Proposed Amendments would result in the accidental release of hazardous materials used during construction through improper handling or storage.	Standard Condition of Approval 35, Hazard Best Management Practices (listed under Impact BIO-3)	See SCA 35 listed under impact BIO-3 above.	See SCA 35 listed under impact BIO-3 above.	See SCA 35 listed under impact BIO-3 above.
Impact HAZ-3: Development facilitated by the Proposed Amendments would result in the exposure of hazardous materials in soil and ground water.	Standard Condition of Approval 88, 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 site. The applicant also shall provide evidence from the City's Fire Department Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.	SCA 88: Recommended procedures shall be implemented during construction.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland, CEDA Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Verify each projects' construction plans have incorporate all BMPs; Conduct regular visits to the projects' construction sites to confirm that all applicable measures are being implemented or complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact HAZ-3 (cont.)	Standard Condition of Approval 69, Radon or Vapor Intrusion from Soil or Groundwater Sources 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 1 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.	SCA 69: Prior to issuance of any demolition, grading or building permit	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland, CEDA- Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Review and approve site-specific, Phase 1 and Phase II investigation report; Confirm remedial actions and monitoring have occurred.
Impact HAZ-4: Development facilitated by the Proposed Amendments would result in the exposure of hazardous building materials during building demolition.	Standard Condition of Approval 63, Load-based Paint/Coatings, Asbestos, or PCS Occurrence Assessment 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.	SCA 63: Prior to issuance of any demolition, grading or building permit	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland, CEDA Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Review and approve specifications; Inspect project sites to confirm removal is complete and in compliance with State Regulations.
	Standard Condition of Approval 41, Asbestos Removal in Structures 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 cedified 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 25915-25019.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	SCA 41 - Prior to issuance of a demolition permit.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit; City of Oakland, CEDA Building Services Division, Zoning Inspec&on; City of Oakland, CEDA- Planning & Zoning.	Review and approve specifications; Inspect project sites to confirm removal is complete and in compliance with State Regulations.
Impact HAZ-6: Development facilitated by the Proposed Amendments would require use of hazardous materials within 0.25 mile of a school.	Standard Condition of Approval 74, Hazardous Materials Business Plan 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:	SCA 74: Prior to issuance of a business license.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit City of Oakland, CEDA Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Review and approve specifications; Confirm that developments facilitated by the Proposed Amendments are in compliance with their own plans.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact HAZ-5 (cont.)	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.			
Impact HAZ -6: Development facilitated by the Proposed Amendments, when combined with other past, present, existing, approved, pending and reasonably foreseeable development in the vicinity, would result in cumulative hazards.	Standard Condition of Approval 66, Other Materials Classified as Hazardous Waste 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.	SCA 66: Prior to issuance of any demolition, grading or building permit.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit City of Oakland, CEDA Building Services Division, Zoning Inspection; City of Oakland, CEDA- Planning & Zoning.	Review and approve written confirmations of other hazardous wastes as submitted.
	Standard Condition of Approval 74, Hazardous Materials Business Plan (listed under Impact HAZ – 5)	See SCA 74 listed under Impact HAZ-5.	See SCA 74 listed under Impact HAZ-5.	See SCA 74 listed under Impact HAZ-5.
	Standard Condition of Approval 61, Site Review by Fire Services Division 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	SCA 61: Prior to the issuance of demolition, grading or building permit.	City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit	Review and approve site plans for projects developed under the Proposed Amendments.
Impact HYD-1: Development facilitated by the Proposed Amendments would alter drainage patterns and increase the volume of stormwater, level of contamination or siltation in stormwater flowing from the Project Area.	Standard Condition of Approval 55, Erosion and Sedimentation Control Plan (listed under Impact BIO-3)	See SCA 55 listed under Impact BIO-3 above.	See SCA 55 listed under Impact BIO-3 above	See SCA 55 listed under Impact BIO-3 above.
	Standard Condition of Approval 75, Stormwater Pollution Prevention Plan (listed under Impact BIO-3)	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.
	Standard Condition of Approval 80, Post-construction Stormwater Management Plan (listed under Impact BIO-3)	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.
	Standard Condition of Approval 81, Maintenance Agreement for Stormwater Treatment Measures 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	SCA -81 Prior to final zoning inspection.	City of Oakland, Public Works Agency, Sewer & Stormwater Division; City of Oakland CEDA Planning and Zoning; City of Oakland, CEDA Building Services Division, Zoning Inspection.	As applicable, confirm inclusion in appropriate document

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedurs
Impact HYD-1 (cont.)	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.			
	Standard Condition of Approval 31, Stormwater and Sewer 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.	SCA 91: Prior to completing the final design for the individual project's sewer service.	City of Oakland, Public Works Agency, Sewer & Stormwater Division; City of Oakland CEDA Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Verify confirmation of stormwater and sanitary sewer capacity by the applicant's consultant; Conduct regular visits to the Project construction site to confirm that all applicable measures are being implemented or complied with
	Standard Condition of Approval 83, Creek Protection Plan (listed under Impact BIO-7)	See SCA 83 listed under Impact BIO-7 above.	See SCA 83 listed under Impact BIO-7 above.	See SCA 83 listed under Impact BIO-7 above.
Impact HYD-2: Development facilitated by the Proposed Amendments could be susceptible to flooding hazards as a result of being placed in a 100-year flood zone as mapped by FEMA	Standard Condition of Approval 90, Structures within a Floodplain a. The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event. b. The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.	SCA 90: Prior to issuance of a demolition, grading, or building permit.	City of Oakland CEDA Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Review and approve final hydrologic calculations for each development occurring under the Proposed Amendments.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOt-1: Development facilitated by the Proposed Amendmente would result in substantial temporary or periodic increases in ambient noise levels in the Project Area above levels existing without the Amendment and in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	Standard Condition of Approval 28, Days/Hours of Construcdon Operation The project applicant shall require constiuction conbactors to limit standard consbuction activities as follows: a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. b) Any consbuction activity proposed to occur outskte of the stendard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of consbuction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Servioes Division. c) Construction activity shall not occur on Saturdays, with the following possible exceptions: i. Prior to the building being enclosed, requests for Saturday consbuction 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 consbuction is shortened. Such consbuction 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 consbuction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed. d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions. e) No construction activity shall take place on Sundays or federal holidays. f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and consbuction meetings held on-site in a non-enclosed area. g) Applicant shall use temporary power poles instead of generators where feasible.	SCA 28: Ongoing throughout demolition, grading, and/or construction.	City of Oakland CEDA Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning S Zoning.	Conduct regular visits to the project construction site to confirm compliance.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOI-1 (cont)	Standard Condition of Approval 29, Noise Control 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 wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, is 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 other measures as determined by the City to provide equivalent noise reduction. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determined an extension is necessary and all available noise reduction controls are implemented.	SCA 29: Ongoing throughout demolition, grading, and/or construction.	City of Oakland CEDA Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Review and approve noise reduction plan incorporating required measures; Conduct regular visits to the projects' construction sites to confirm that all applicable measures are being implemented and complied with.
	Standard Condition of Approval 30, Noise Complaint Procedures 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);	SCA 30: Ongoing throughout demolition, grading, and/or construction.	City of Oakland CEDA Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Review and approve noise reduction plan incorporating required measures; Conduct regular visits to the project construction site to confirm that all applicable measures are being implemented and complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOI-1 (cont.)	b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and consbuction contractor's telephone numbers (during regular construction hours and off-hours); c) The designation of an on-site construction complaint and entorcement manager for the project d) Notification of neigltoors and occupants within 300 feet of the project constmction area at least 30 days in advance of exbeme noise generating activities about the estimated duration of me activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.			
	Standard Condition of Approval 39, *Pile Driving and Other Extreme Noise Generators* To further reduce potential pier drilling, pile driving and/or other extreme ncise 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 ncise 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. A special inspection depcsit is required to ensure compliance with the ncise 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 ir ctude, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity: a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and stiuctiural requirements and conditions;	SCA 39: Ongoing throughout demolition, grading, and/or construction.	City of Oakland CEDA Building Servk es Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Review and approve noise reduction plan incorporating required measures; Conduct regular visits to projects' construction sites to confirm that all applicable measures are being implemented and complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOI-1 (cont.)	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 e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.			
	Standard Condition of Approval 38, *Vibration* A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing groundborne vibration at the project site. If required in order to reduce groundborne vibration to acceptable levels, the project applicant shall incorporate special building methods to reduce groundborne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following: (a) Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of ground-borne vibration to the residences above. (b) Trenching, which involves excavating soil between the railway/freeway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets (i.e., Styrofoam) or low-density polyethylene).	SCA 38: Prior to issuance of demolition, grading, or building permit	City of Oakland CEDA-Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning & Zoning.	Review and approve recommendations from the acoustical consultant. Confirm plans have implemented recommended measures.
	Standard Condition of Approval 57, *Vibrations Adjacent to Historic Structures* (listed under Impact BIO-7)	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.	See SCA 57 listed under Impact BIO-7 above.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOI-2: Construction pile driving for the Victory Court ballpark that could be facilitated by the Proposed Amendments could increase ambient noise levels for an extended duration and adversely affect the surrounding noise environment.	Standard Condition of Approval 39, *Pile Driving and Other Extreme Noise Generators* (listed under Impact NOI-1)	See SCA 39 listed under Impact NOI-1 above.	See SCA 39 listed under Impact NOI-1 above.	See SCA 39 listed under Impact NOI-1 above.
Impact NOI-3: Development facilitated by the Proposed Amendments could increase noise levels in the Project Area to levels in excess of standards established in the Oakland Noise Ordinance and Planning Code.	Standard Conditions of Approval 31, *Interior Noise* (listed under Impact NOI-1)	See SCA 31 listed under Impact NOI-1 above.	See SCA 31 listed under Impact NOI-1 above.	See SCA 31 listed under Impact NOI-1 above.
	Standard Conditions of Approval 32, *Operational Noise (General)* 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 8.1S 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.	SCA 32 Ongoing during operations.	City of Oakland CEDA Planning & Zoning; City of Oakland, CEDA- 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.
Impact NOI-4: Operational noise generated by the Victory Court ballpark that could be facilitated by the Proposed Amendments would generate special event noise levels in the Project Area to levels in excess of standards established in the Oakland Noise Ordinance and Planning Code.	Standard Condition of Approval 32, *Operational Noise (General)* (listed under Impact NOI-3)	See SCA 32 listed under Impact NOI-3.	See SCA 32 listed under Impact NOI-3.	See SCA 32 listed under Impact NOI-3.
	Mitigation Measure NOI-4a: The City shall ensure that the Victory Court ballpark public address system shall be comprised of a distributed speaker system on-site, which would locate speakers around each section of the park to minimize the impact that might be generated by fewer but louder or high-mounted speaker units.	Mitigation Measure NOI-4a: Prior to construction during project design.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm approved features are integrated into the design of the ballpark.
	Mitigation Measure NOI-4b: Prior to the first ballpark event at Victory Court, the City shall conduct a detailed acoustic study to assess the predicted long-term noise levels from the Victory Court ballpark at noise sensitive uses. The study shall be used to determine noise attenuation measures necessary to achieve a 45 dBA L_{eq} interior noise level at residences within 300 feet (or one-block) of the ballpark, during ballpark events. Attenuation measures at the stadium shall include, but not be limited to, distributed speakers for the public address system and limitations placed on sound levels associated with various activities to meet the interior noise level standard of 45 dBA L_{eq}. Noise measures shall be taken at receptor locations only with affected property owners' consent and attenuation measures at or within the affected residences may include, but are not limited to, installation of dual-pane windows, mechanical air conditioning, sound walls and improved ceiling and wall insulation. Within one year after the first ballpark event at Victory Court, the City shall confirm the effectiveness of implemented noise measures, and implement any corrective measures within one additional year.	Mitigation Measure NOI-4b: After construction prior to ballpark use.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review monitoring results; Confirm the effectiveness of implemented noise measures, and implement any corrective measures within one additional year.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact NOI-7: Noise generated by the Victory Court ballpark that could be facilitated by the Proposed Amendments, in combination with traffic from past present, existing, approved, pending and reasonably foreseeable future projects, could result in a 5dBA permanent increase in ambient noise levels in the project vicinity above levels existing without development facilitated by the Proposed Amendments; and could substantially increase construction noise and operational noise in the Project Area. (Significant)	Mitigation Measure NOI-7: • *Implement Mitigation Measures TRA-1.1:* The impacts of events at the ballpark on the surrounding transportation network will be analyzed as part of the project-level environmental analysis for that project. This analysis will identify specific mitigation measures to reduce its impacts and to improve access and circulation for automobiles, transit pedestrians, and bicycles. • *Implement Mitigation Measure TRA-4.1: Prepare Special Event Transportation and Parking Management Plan.* Prepare a Transportation and Parking Management Plan (TPMP) to minimize the impacts of special events at the ballpark on the surrounding transportation network.	Mitigation Measure NOI-7: Prior to construction and during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm implementation of measures as part of Final Development Plan for the ballpark; Review and approve TPMP; Confirm implementation of the design features during construction.
Impact TRA-1: Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments under Existing Plus Project conditions. (Significant)	Mitigation Measure TRA-1: In general, roadway impacts can be mitigated by widening the roadway and providing additional travel lanes. However, providing additional travel lanes are not feasible and/or desired in most locations in Oakland because it would require additional right-of-way that is not available due to buildings adjacent to the roadway and/or elimination of parking or bicycle lanes. Potential mitigation measures for the impacted segments are discussed below: a. The impact on Grand Avenue between Harrison Street and I-580 (#15) may not be mitigated. This segment of Grand Avenue generally provides two travel lanes in each direction, with left-turn pockets, and bicycle lanes and parking on both sides of the street The area adjacent to the street is occupied by buildings or parks. Providing additional travel lanes would require elimination of parking, bicycle lanes, existing buildings or parks, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. b. The impact on Embarcadero east of 5th Avenue (#18) may be mitigated by widening Embarcadero from one lane to two lanes between 4th and 10th Avenues. This improvement has been identified and adopted by the City as a mitigation measure in the Oak to Ninth EIR. The implementation of this mitigation measure would improve the roadway segment to LOS C and mitigate the impact A specific development project's contribution to a significant roadway segment or intersection impact, and the feasibility and effectiveness of mitigation measures, can only be determined on a site-by-site or case-by-case basis, which is outside the scope of this	Mitigation Measure TRA-1: Prior to construction, during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and approve TIS and verify that any other required measures that are identified are implemented; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-1 (cont.)	environmental analysis. Therefore, the following mitigation measures shall be implemented to mitigate potential traffic impacts of development under the Proposed Amendments: • TRA-1.1 *Traffic Impact Study (TIS) for Development Projects.* Prior to approval of a development application for a development project which may substantially affect any roadway segment or intersection identified as having a significant impact the project applicant shall retain a qualified traffic engineer to conduct a Traffic Impact Study (TIS), in accordance with then-current City policies and practices, to identify whether the project would contribute additional vehicular trips to a significant traffic impact on a study roadway segment(s) or intersection(s). The TIS shall be performed in accordance with then-current City policies and practices, and shall generally identify: 1. The number of trips generated by development facilitated by the Proposed Amendments 2. The mode split for vehicular trips (i.e., the number of generated trips that would be made by private vehicle) 3. The distribution of vehicular trips on local roadways 4. Based on a quantitative evaluation of the information provided under 1 through 3, above, the City shall make a significance determination of the traffic impact(s) to roadway segment(s) or intersection(s) resulting from the development facilitated by the Proposed Amendments 5. If the level of impact identified under 4 above would be significant then Mitigation Measure TRA-1.2 shall be employed. • *TRA-1.2 Other Mitigations.* Depending on the results of the TIS conducted in TRA-1.1, where TRA-1.1 is required to be implemented, the project applicant's traffic engineer shall evaluate the feasibility of the following broad measures at the roadway segment(s) or intersection(s) identified in TRA-1.1 above, and implement those measures determined feasible by the City:2 1. Install new traffic signals and other roadway improvements that support not only vehicle travel, but all other modes safely to and through the intersection 2. Modify signal operation or phasing			

2 The City already requires as a Standard Condition of Approval (SCA-25), the development of a Transportation Demand Management (TDM) Plan for developments with 50 or more residential units or 50,000 square feet or more of new non-residential space.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-1 (cont.)	3. Change lane assignment 4. Install bike and pedestrian facilities 5. Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) for the peak hours 6. Coordinate the signal timing changes with the adjacent intersections that are in the same signal coordination group. To implement those measures determined feasible by the City, 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. 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 Americans with Disabilities Act (ADA) standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards include the elements listed below. – 2070L Type Controller with Cabinet Assembly and License seat – GPS communication (clock) – Accessible pedestrian crosswalks according to Federal and State Access Board guidelines – City Standard ADA wheelchair ramps – Pull actuation (video detection, pedestrian push buttons, bicycle detection) – Accessible Pedestrian Signals, audible and tactile according to Federal Access Board guidelines – Countdown Pedestrian Signals – Signal interconnect and communication to City Traffic management Center for corridors identified in the City's Intelligent Transportation System (ITS) Master Plan – Signal timing plans for the signals in the coordination group. The project sponsor shall fund, prepare, and install the approved plans and improvements.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-2: Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments under Cumulative Year 2015 Plus Project conditions.	Mitigation Measure TRA-2: Implement Mitigation Measures TRA-1.1 and TRA-1.2. Potential mitigation measures for the impacted segments are discussed below. a. The impact on 7th Street east of Fallon Street (#8) may not be mitigated. This segment of 7th Street generally provides two travel lanes in each direction, with a center median, and parking on both sides of the street. The area adjacent to the street is occupied by buildings or parking lots. Providing additional travel lanes would require elimination of parking, existing buildings or parking, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. b. The impact on Grand Avenue between Harrison Street and I-580 (#15) may not be mitigated. This segment of Grand Avenue generally provides two travel lanes in each direction, with left-turn pockets, and bicycle lanes and parking on both sides of the street. The area adjacent to the street is occupied by buildings or parks. Providing additional travel lanes would require elimination of parking, bicycle lanes, existing buildings or parks, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. c. The impact on Embarcadero east of 5th Avenue (#18) may be mitigated by widening Embarcadero from one lane to two lanes between 4th and 10th Avenues. This improvement has been identified and adopted by the City as a mitigation measure in the Oak to Ninth EIR. The implementation of this mitigation measure would improve the roadway segment to LOS C and mitigate the impact. Mitigation Measures TRA-1.1 and TRA-1.2 would be applied by the City on a development project (case-by-case) basis, as appropriate. Incorporation of Mitigation Measures TRA-1.1 and TRA-1.2 would likely reduce impacts to congested roadway segment(s) and/or intersection(s). The impact on Embarcadero east of 5th Avenue (#18) may be mitigated by widening the street as identified and adopted in the Oak to 5th EIR. The impact on all other roadway segments identified for Grand Avenue and 7th Street would likely remain significant and unavoidable. A more detailed project-specific quantitative analysis of Mitigation Measures TRA-1.1 and TRA-1.2 and identification of more specific mitigation measures are not feasible in this programmatic EIR at this time; therefore, it is conservatively concluded that these mitigation measures would not mitigate the identified significant impacts to a less-than-significant level, and that impacts would remain significant and unavoidable. Therefore, this EIR conservatively identifies impacts on roadway segments as significant and unavoidable impacts.	Mitigation Measure TRA-2: Prior to construction, during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and approve TIS and verify that any other required measures that are identified are implemented; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-3: Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments under Cumulative Year 2035 Plus Project conditions.	Mitigation Measure TRA-3: Implement Mitigation Measures TRA-1.1 and TRA-1.2. Potential mitigation measures for the impacted segments are discussed below: a. The impact on 7th Street east of Fallon Street (#6) may not be mitigated. This segment of 7th Street generally provides two travel lanes in each direction, with a center median, and parking on both sides of the street. The area adjacent to the street is occupied by buildings or parking lots. Providing additional travel lanes would require elimination of parking, existing buildings or parking, which are either not feasible or inconsistent with City policies. Therefore, this impact at this location would remain significant and unavoidable. b. The impact on Grand Avenue between Harrison Street and I-580 (#15) may not be mitigated. This segment of Grand Avenue generally provides two travel lanes in each direction, with left-turn pockets, and bicycle lanes and parking on both sides of the street. The area adjacent to the street is occupied by buildings or parks. Providing additional travel lanes would require elimination of parking, bicycle lanes, existing buildings or parks, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. c. The impact on Embarcadero east of Oak Street (#17) may not be mitigated. This segment of Embarcadero provides two eastbound and one westbound travel lanes, with a center median, and bicycle lanes on both sides of the street. The area adjacent to the street is occupied by buildings, parking facilities, or railroad tracks. Providing additional travel lanes would require elimination of bicycle lanes, existing buildings or parks, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. d. The impact on Embarcadero east of 5th Avenue (#18) may be mitigated by widening Embarcadero from one lane to two lanes between 4th and 10th Avenues. This improvement has been identified and adopted by the City as a mitigation measure in the Oak to Ninth EIR. The implementation of this mitigation measure would improve the roadway segment to LOS C and mitigate the impact. e. The impact on Broadway north of Grand Avenue (#20) may not be mitigated. This segment of Broadway provides two travel lanes in each direction, with left-turn pockets and parking on both sides of the street. The area adjacent to the street is occupied by buildings. Providing additional travel lanes would	Mitigation Measure TRA-3: Prior to construction, during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and approve TIS and verify that any other required measures that are identified are implemented; Confirm implementation of the design features during construction

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-3 (cont.)	require elimination of on-street parking or existing buildings, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. f. The impact on 5th Avenue south of East 12th Street (#26) may not be mitigated. This segment of 5th Avenue provides one travel lane in each direction, with bicycle lanes and parking on both sides of the street. The area adjacent to the street is mostly built up. Providing additional travel lanes would require elimination of bicycle lanes, on-street parking, or existing buildings, which are either not feasible or inconsistent with City policies. Therefore, the impact at this location would remain significant and unavoidable. Mitigation Measures TRA-1.1 and TRA-1.2 would be applied by the City on a development project (case-by-case) basis, as appropriate. Incorporation of Mitigation Measures TRA-1.1 and TRA-1.2 would likely reduce impacts to congested roadway segment(s) and/or intersection(s). The impact on Embarcadero east of 5th Avenue (#18) may be mitigated by widening the street as identified and adopted in the Oak to 8th EIR. The impact on all other roadway segments identified for segments discussed and listed above would likely remain significant and unavoidable. A more detailed project-specific quantitative analysis of Mitigation Measures TRA-1.1 and TRA-1.2 and identification of more specific mitigation measures are not feasible in this programmatic EIR at this time; therefore, it is conservatively concluded that these mitigation measures would not mitigate the identified significant impacts to a less-than-significant level, and that impacts would remain significant and unavoidable. Therefore, this EIR conservatively identifies impacts on roadway segments as significant and unavoidable impacts.			
Impact TRA-4: Baseball games and other special events at the Victory Court ballpark would adversely affect the surrounding transportation network	Mitigation Measure TRA-4: Implement the following: • *Implement Mitigation Measure TRA-1.1.* The impacts of events at the ballpark on the surrounding transportation network will be analyzed as part of the project-level environmental analysis for that project if and when a detailed proposal is before the City for consideration. This analysis will identify specific mitigation measures to reduce its impacts and to improve access and circulation for automobiles, transit, pedestrians, and bicycles. • *TRA-4.1 Prepare Special Event Transportation and Parking Management Plan* –Prior to approval of the development application for the proposed ballpark, prepare a Transportation and Parking Management Plan (TPMP) to minimize the impacts of special events at the ballpark on the surrounding transportation network. The TPMP shall include: – Strategies to manage traffic before and after special events	Mitigation Measure TRA-4: Prior to construction and during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm implementation of measures as part of Final Development Plan for the ballpark; Review and approve TPMP; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-4 (cont.)	- Identification of parking facilities and way-finding to minimize vehicles searching for available parking - Strategies to reduce automobile traffic generated by the project and encourage the use of public transit - Provision for additional transit service to serve the demand for the special events Wayfinding for pedestrians and bicycles between the ballpark, major transportation nodes, and other destinations in the surrounding areas.			
Impact TRA-5: Traffic congestion caused by the traffic generated by development facilitated by the Proposed Amendments would substantially increase travel time for AC Transit buses.	Mitigation Measure TRA-5: As part of the review for specific developments, consider implementing the following measures along AC Transit corridors that may experience increased congestion due to traffic generated by the project • Upgrade traffic signal equipment to provide Transit Service Priority (TSP) • Move bus stops from near-side of the intersection to far-side (i.e., from before the signal to after the signal) • Provide bus queue jump lanes where feasible	Mitigation Measure TRA-5: Prior to construction and during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm implementation of measures as part of Final Development Plan for any development facilitated by the Proposed Amendments; Confirm implementation of the design features during construction.
Impact TRA-7: Development facilitated by the Proposed Amendments would increase traffic volumes on area roadway segments, potentially causing conflicts among motor vehicles, bicycles, or pedestrians.	Standard Conditions of Approval 20, *Improvements In the Public Right-of-Way (General)* 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	SCA 20 Approved prior to the issuance of a building permit	City of Oakland CEDA-Planning & Zoning; City of Oakland Public Works – Tree Services Division; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm implementation of measures as part of Final Development Plan for any development facilitated by the Proposed Amendments; Confirm implementation of the design features during construction.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-7 (cont.)	d. The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.			
	Standard Conditions of Approval 21, Improvements in the Public Right-of-Way (Specific) 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. b. Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter. c. Reconstruct drainage facility to current City standard. d. Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards. e. Construct wheelchair ramps that comply with Americans with Disabilities Act requirements and current City Standards. f. Remove and replace deficient concrete sidewalk, curb and gutter within property frontage. g. Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.	SCA 21: Approved prior to the issuance of a grading or building permit	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and confirm implementation of measures as part of Final Development Plan for any development facilitated by the Proposed Amendments; Confirm implementation of the design features during construction.
Impact TRA-8: Development facilitated by the Proposed Amendments may result in additional automobile, bicycle, and/or pedestrian traffic at the existing at-grade railroad crossings and potentially contribute to safety issues along the railroad crossings.	Mitigation Measure TRA-8: This mitigation measure should be applied to developments under the Proposed Amendments that would generate substantial multi-modal trips crossing at-grade railroad crossings that could substantially increase hazards between incompatible uses (i.e., motor vehicles and trains, or pedestrians and trains): • Transportation Impact Studies (TIS) for At-grade Railroad Crossings. The TIS, otherwise required to be prepared for proposed developments under this project in accordance with standard City policies and practices, must evaluate potential impacts to at-grade railroad crossings resulting from project-related traffic. The TIS should examine whether the proposed project would generate substantial multimodal trips crossing at-grade railroad crossings that could substantially increase hazards between incompatible uses (i.e., motor vehicles and trains, pedestrians and trains), which may include a Diagnostic Review for each railroad crossing.	Mitigation Measure TRA-8: Prior to construction, during design and project-specific environmental review.	City of Oakland CEDA-Planning & Zoning; City of Oakland, CEDA- Building Services Division, Zoning Inspection.	Review and approve TIS and verify that any other required measures that are identified are implemented; Confirm implementation of the design features during construction

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-8 (cont.)	If required, the Diagnostic Review must be completed with all affected properties and Stakeholders, in coordination with the California Public Utilities Commission (CPUC). It will include: roadway and rail descriptions; collision history; traffic volumes for all modes; train volumes; vehicular speeds; train speeds; and existing rail and traffic controls. Based on the Diagnostic Review and the number of projected trips, the TIS will evaluate if the proposed project increases hazards at the crossing. For example, vehicle traffic generated by the proposed project may cause vehicle queuing at intersections resulting in traffic spilling back onto at-grade railroad crossings. Where the TIS identifies substantially hazardous crossing conditions caused by the proposed project, mitigations relative to the project's contribution to the crossing as necessary shall be applied through project redesign and/or incorporation of improvements to reduce potential adverse impacts. Proposed improvements must be coordinated with CPUC and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). These improvements may include: • Installation of additional warning signage; • Improvements to warning devices at existing rail crossings; • Installation or improvement to automobiles and/or pedestrian control gates; • Installation of concrete panels to provide a smooth crossing surface; • Reduction in the flangeway gap to improve pedestrian and bicyclist safety; • Installation of median separation to prevent vehicles from driving around railroad crossings; • Improvements to traffic signaling at intersections adjacent to crossings (e.g., signal preemption); • Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains; • Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintain the visibility of warning devices and approaching trains; • Elimination of driveways near crossings; • Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way; and/or • Installation of grade separations at crossings.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-8 (cont.)	This mitigation measure would be applied by the City on a development project (case-by-case), as appropriate. The incorporation of improvements identified in this mitigation measure could reduce the project's impact to the at-grade railroad crossing to a less-than-significant level. However, to the extent that installation of safety mechanisms is not feasible (physically, financially or otherwise), impacts would remain significant and unavoidable. A more detailed project-specific analysis of this impact and effectiveness of the mitigation measure at specific at-grade railroad crossings is not feasible in this programmatic EIR at this time; therefore, it is conservatively concluded that this mitigation measure would not mitigate the identified significant impact to a less-than-significant level, and the impact would remain significant and unavoidable. Therefore, this EIR conservatively identifies the impact on railroad crossings as significant and unavoidable.			
Impact TRA-10: Development facilitated by the Proposed Amendments would generate demand for alternative transportation services.	Standard Condition of Approval 25, Parking and Transportation Demand Management This SCA would apply to all development projects facilitated by the Proposed Amendments consisting of 50 or more new residential units, or 50,000 square feet or more of new non-residential space. Prior to issuance of a final inspection of the building permit. The property owner shall pay for and submit for review and approval by the City a Transportation Demand Management (TDM) plan containing strategies to • Reduce the amount of traffic generated by new development and the expansion of existing development, pursuant to the City's police power and necessary in order to protect the public health, safety and welfare. • Ensure that expected increases in traffic resulting from growth to employment and housing opportunities in the City of Oakland will be adequately mitigated. • Reduce drive-alone commute trips during peak traffic periods by using a combination of services, incentives, and facilities. • Promote more efficient use of existing transportation facilities and ensure that new developments are designed in ways to maximize the potential for alternative transportation usage. • Establish an ongoing monitoring and enforcement program to ensure that the desired alternative mode use percentages are achieved. The property owner shall implement the approved TDM plan. The TDM plan shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be	SCA 25: TDM Plans will be considered and approved as part of EIR Certification for any individual development projects occurring under the Proposed Amendments. The individual Project Applicants shall implement the approved Final TDM Plans. The Final TDM Plans will include the implementation timeline for specific TDM measures and related requirements. The Final TDM Plan, will require regular periodic evaluation (per Quarterly Reports and then an Annual TDM Report submitted by the Project applicant), after the City issues the first Certificate of Occupancy for the Project) over the life of the Project) to determine how the Plan is achieving required objectives, as well as implementing the specific TDM measures.	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.	Verify that TDM measures identified to be implemented, and that all requirements of the "Funding, Monitoring, Evaluation, and Enforcement" section of the approved Final TDM Plan are implemented and complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-10 (cont.)	considered, and parking management and parking reduction strategies should be included. Actions to consider include the following: 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 Bicycle Parking Ordinance, shower, and locker facilities in commercial developmente that exceed the requirement b. Construction of and/or access to bikaways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping. c Installation of safety elemente 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. 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 improvemente. 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. Employees or residents can be provided with a subsidy, determined by the property owner and subject to review by the City, if the employees or resktents use transit or commute by other alternative modes. h. Provision of shuttle service between the development and nearest mass transit station, or ongoing contribution to existing shuttle or public transit services. i. Guaranteed ride home program for employees, either through 511.org or through separate program. j. Pre-tax commuter benefite (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 carpoola and vanpools. m. Distribution of information concerning alternative transportation options.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-10 (cont.)	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. 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 property owner shall submit an annual compliance report for review and approval by the City. This report will be reviewed either by City staff (or a peer review consultant chosen by the City and paid for by the property owner). If timely reports are not submitted, the reports indicate a failure to achieve the stated policy goals, or the required alternative mode split is still not achieved, staff will work with the property owner to find ways to meet their commitments and achieve trip reduction goals. If the issues cannot be resolved, the matter may be referred to the Planning Commission for resolution. Property owners shall be required, as a condition of approval, to reimburse the City for costs incurred in maintaining and enforcing the trip reduction program for the approved project			
Impact TRA-11: Development facilitated by the Proposed Amendments would generate temporary increases in traffic volume and temporary effects on transportation conditions.	Standard Condition of Approval 33, Construction *Traffic* and Parking Prior to the issuance of a demolition, grading or building permit The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements: a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.	SCA 33: Prior to issuance of a grading, demolition or building permit	City of Oakland CEDA Planning & Zoning; City of Oakland CEDA-Building Services, Zoning Inspection; and City of Oakland, CEDA - Transportation Services Division.	Verify submittal and approval of a construction management plan; Confirm incorporation of applicable measures in the approved plan in the final Project plans; Confirm construction pursuant to the approved plan; conduct regular visits to the projects construction sites to confirm that all applicable measures are being implemented or complied with.

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact TRA-11 (cont.)	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. Major Project Cases: a. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces (see item "p" below). b. Any damage to the street caused by heavy equipment or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy. c. Any heavy equipment brought to the construction site shall be transported by truck, where feasible. d. No materials or equipment shall be stored on the traveled roadway at any time. e. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion. f. All equipment shall be equipped with mufflers. g. 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.			

Environmental Impact	Mitigation Measures or Standard Conditions	Implementation and Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
Impact UTIL-3: Development facilitated by the Proposed Amendments would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Standard Conditions of Approval 91, Stormwater and Sewer (listed under Impact HYD-1)	See SCA 91 listed under Impact HYD-1 above.	See SCA 91 listed under Impact HYD-1 above.	See SCA 91 listed under Impact HYD-1 above.
	Standard Conditions of Approval 75: Stormwater Pollution Prevention Plan (listed under Impact BIO-3)	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.
	Standard Conditions of Approval 80, Post-construction Stormwater Management Plan (listed under Impact BIO-3)	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.
Impact UTIL-4: Development facilitated by the Proposed Amendments would not generate solid waste that would exceed the permitted capacity of the landfills serving the area	Standard Condition of Approval 36, Waste Reduction and Recycling (listed under Impact GHG-2)	See SCA 36 listed under Impact GHG-2 above.	See SCA 36 listed under Impact GHG-2 above.	See SCA 36 listed under Impact GHG-2 above.
Impact UTIL-6: Development facilitated by the Proposed Amendments in combination with other past present existing, approved, pending, and reasonably foreseeable future projects within and around the Project Area, would result in an increased demand for utilities services.	Standard Conditions of Approval 36, Waste Reduction and Recycling (listed under Impact GHG-2)	See SCA 36 listed under Impact GHG-2 above.	See SCA 38 listed under Impact GHG-2 above.	See SCA 38 listed under Impact GHG-2 above.
	Standard Conditions of Approval 91, Stormwater and Sewer (listed under Impact HYD-1 above)	See SCA 91 listed under Impact HYD-1 above.	See SCA 91 listed under Impact HYD-1 above.	See SCA 91 listed under Impact HYD-1 above.
	Standard Conditions of Approval 75: Stormwater Pollution Prevention Plan (listed under Impact BIO-3)	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.	See SCA 75 listed under Impact BIO-3 above.
	Standard Conditions of Approval 80, Post-construction Stormwater Management Plan (listed under Impact BIO-3)	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.	See SCA 80 listed under Impact BIO-3 above.