

Location:	Brooklyn Basin (formerly known as “Oak Street to Ninth Avenue”); specifically, Phase I, generally located south of Embarcadero, between future Main Street and 9th Avenue.
Proposal:	Final Development Permit (FDP) for streets, landscaping and infrastructure not part of development parcels or parks in Phase 2; Master Creek Permit; Signage Master Plan; Shoreline Park Information; DA Exhibit C Modification Information.
Applicant:	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510)251-9272.
Owner:	Zarsion-OHP 1, Port of Oakland, City of Oakland.
Planning Permits Required:	FDP, Master Creek Permit, Signage Master Plan, Compliance with CEQA.
General Plan:	Planned Waterfront Development-4.
Zoning:	Oak-to-Ninth District Zone (D-OTN)
Environmental Determination:	Final EIR certified on January 20, 2009.
Historic Status:	9 th Avenue Terminal, rated “A”
Service Delivery District:	3
City Council District:	2 – Guillen
Action to be Taken:	Consider FDP, Master Creek Permit and Signage Master Plan; Accept Shoreline Park and DA Exhibit C Modification information items.
Finality of Decision:	FDP and Master Creek Permit appealable to City Council.
For further information:	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

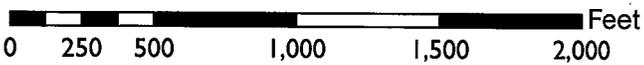
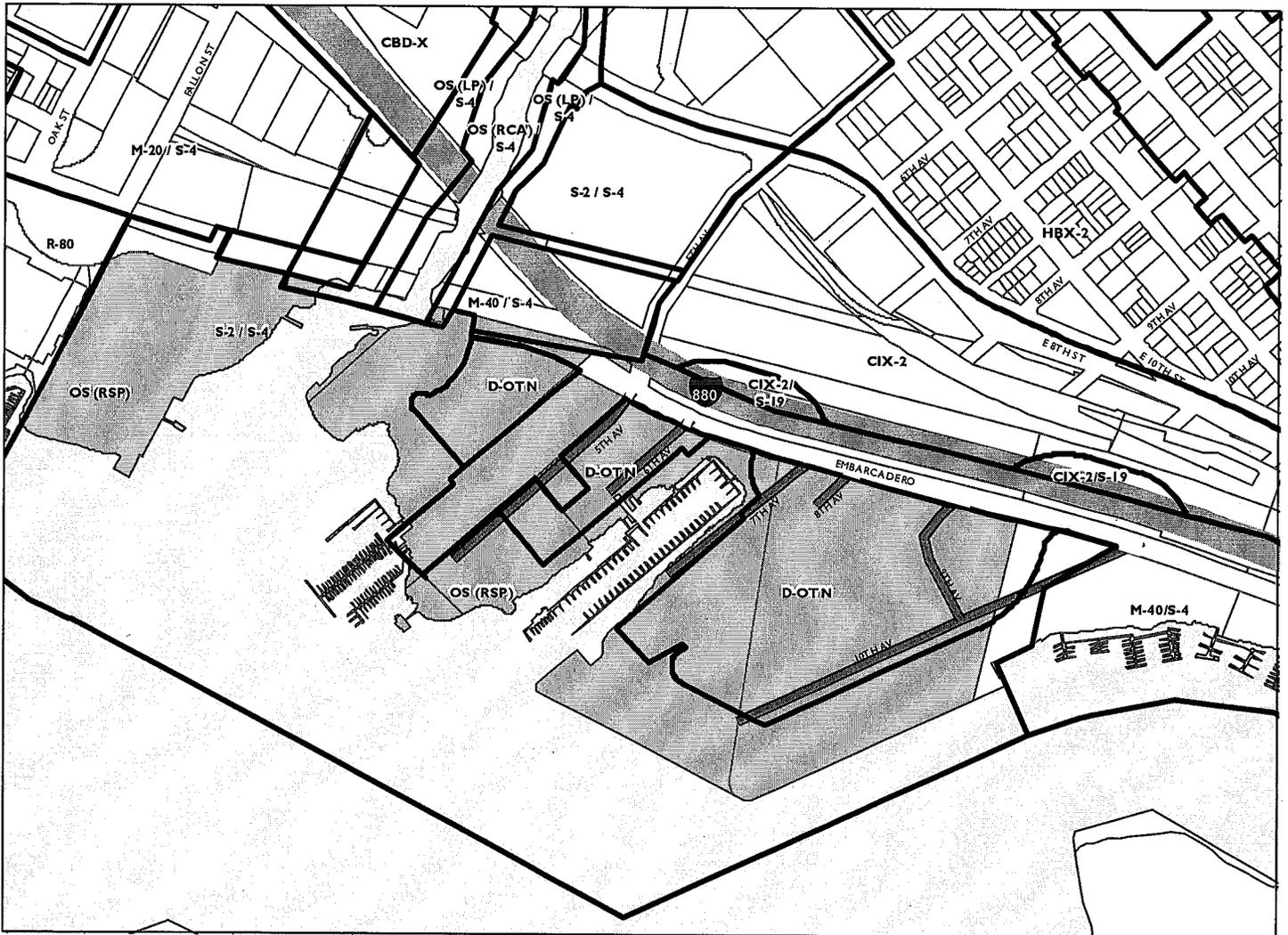
SUMMARY

The purpose of this report is to provide information and updates, as well as request consideration of permit applications, related to implementation of the Brooklyn Basin Project (formerly known as “Oak Street to Ninth Avenue”). The Brooklyn Basin Project land use entitlements were approved in 2009. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is providing information about and seeking subsequent approvals required under the terms of the original land use entitlements, in order to progress with project implementation.

Specifically, this staff report includes the following recommendations to the Planning Commission:

- Approve the Phase 2 Infrastructure FDP.
- Approve the Master Creek Permit for Brooklyn Basin;
- Approve the Brooklyn Basin Signage Master Plan, in accordance with Planning Code Section 17.104.070 Master Sign Programs;
- Accept an information report regarding minor changes to the design of Shoreline Park; and
- Accept Notice of a Modification to DA Exhibit C.

CITY OF OAKLAND PLANNING COMMISSION



Case File: DA06011, PUD06010
Applicant: Zarsion-OHP I, LLC (ZOHP), Patrick Van Ness
Address: Brooklyn Basin
Zone: D-OTN, OS (RSP)

PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin generally encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10th Avenue to the east, and Fallon Street to the west. The Phase I Site (located in the eastern portion of Brooklyn Basin, generally between the future Main Street and 9th Avenue) is currently subject to construction of streets and infrastructure improvements.

PROJECT BACKGROUND

Project History

The planned Brooklyn Basin Project consists of a mix of residential, retail/commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The planned project includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (total of 170 boat slips), and a wetlands restoration area. The existing buildings on the site will be (or have been) demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-held property along and east of 5th Avenue that contain a mix of commercial and industrial uses, as well as a small community of work/live facilities.

Since entitlements were granted, ZOHP has initiated development of Phase 1, and is now working toward completing milestones toward delivering Phase 2, as noted in the following table:

Summary of Recent Brooklyn Basin Milestones Summer 2016

Milestone	Requirement	Status
Land Use Entitlements (DA, PUD/PDP, GPA, Rezone, EIR)	Oakland Municipal Code	Complies: Initial (challenged) approval 7/18/2006; Final approval 1/2009
Phase 1 Soil remediation (grading/surcharge permits)	EIR MM H, Prior to issuance of site development building permits	Complies: Activities completed 2014
Affordable Housing Developer Selection	DA Exhibit L, Section 4: proposal to City within one year of acquisition of Sites F, T and G	Complies: MidPen selected by Master Developer and approved by City Housing Department in 2015
Phase 1 Final Map	TTM, DA	FM7621 Approved May 2015
Phase 1 Infrastructure FDP and construction permits	Zoning regulations	Under construction; Completion expected 2016
Embarcadero Roadway Improvements	PUD	Under construction; Completion expected 2016
Community Facilities District	Condition of Approval 38, Prior to issuance of first Final Map	Complies: Estoppel Certificate in place; CFD formation in process.
Shoreline Park FDP	DA and PUD	Complies: Approved December 2015, BCDC confirmation May 2016
Parcel B FDP	PUD, FM7621	Approved September 2016
Phase 2 Final Map	PUD, TTM7621	Submitted April 2016

PROJECT DESCRIPTION

At this time, City staff and the Master Developer have four proposals related to Brooklyn Basin for the Planning Commission to consider. These are fully discussed and analyzed in the "Zoning and Related Issues" section below, and are briefly described here:

- Phase 2 Streets and Infrastructure FDP.* The Applicant has submitted a FDP application for roadway and infrastructure improvements for Brooklyn Basin Phase 2. The proposed Phase 2 improvements are consistent with the previously approved PUD and VTTM, and tie into the Phase 1 street and infrastructure improvements currently under construction.
- Master Creek Permit for Brooklyn Basin.* City staff and the Master Developer propose a customized creek permit to maximize efficiency of staff review while ensuring compliance with the requirements of the City's Creek Ordinance (as codified in Oakland Municipal Code Section 13.16). Creek permits are typically considered for individual

parcels; however, this project is unique in that it involves multiple creekside parcels in a planned development project, and therefore requires a more holistic approach. In summary, the proposal is for Master Creek Permit (MCP) that includes the following features:

- Minimum Application Submittal: The MCP submittal is limited to the Category 4 Creek Permit fee, the site plan from the approved PUD, and TTM7621. These documents memorialize the area to be controlled by the Master Creek Permit and the design assumptions for compliance with the Master Creek Permit.
 - Extended Life of Permit: The MCP would expire at the same time as the DA.
 - Provides for irrigation for three growing seasons (whereas the standard Conditions of Approval only require irrigation for one growing season).
 - Required Future Staff-Level Review: For each construction-related permit application considered related to the MCP, conditions of approval would require submittal of materials consistent with a creek permit application subject to staff-level review and approval.
 - Discretionary Consideration of MCP: The MCP would be considered by the Planning Commission (which is the purpose of this staff report and hearing). If approved, there would be no further public noticing requirements related to compliance with adopted conditions of approval.
- *Brooklyn Basin Signage Master Plan:* ZOHP has prepared a Signage Master Plan in accordance with Planning Code Section 17.104.070 Master Sign Programs. The Signage Master Plan includes neighborhood signage, site and wayfinding signage, and guidelines for future development and business signage. The Signage Master Plan includes gateway monuments and banners in the public Right-of-Way, as well as more typical site and development signage.
 - *Information Report Regarding Minor Revisions to the Design of Shoreline Park:* The Shoreline Park FDP was approved in December 2015 (and the decision upheld on appeal to the City Council in February 2016). Since that time, the Bay Conservation and Development Commission (BCDC), under whose jurisdiction the park site is located, required minor changes to the design of Shoreline Park. Design changes include the following (and are shown in Attachment D to this report):
 - Arrival Landscape:
 - Expanded to be on both sides of 9th Avenue;
 - Increased storm water treatment area to handle wharf runoff;
 - Increased number of trees;
 - Realigned bike path to circulate across the bioswale instead of adjacent to it; and
 - Relocated fairy lights from the estuary waters to the bioswales.
 - 9th Avenue Wharf:
 - Expanded the total interior space of the 9th Avenue Terminal from 4 bays to 5 bays.

- Deck:
 - Removed fairy lights from Estuary; and
 - Increased number of trees.
- The Cove:
 - Removed terracing below surface of existing wharf;
 - Added hill with accessible access under trusses;
 - Added a canopy suspended from truss to frame performance space;
 - Increased planting;
 - Expanded and relocated floating deck area;
 - Reconfigured near water trail to improve experience of low tide;
 - Removed fairy lights from Estuary; and
 - Relocated existing piles to remain above mean high water mark.
- The Green (Formerly Known as the Incline)
 - Removed the incline grade change to comply with 8th Avenue view corridor;
 - Increased level flexible lawn area; and
 - Increased storm water treatment to handle wharf run-off.

The changes to the design do not eliminate or add elements to the project nor do they change the size, scope or use of the project. As such, the design changes are minor revisions that are subject to staff-level review. Because of the high level of interest in this project by both the Planning Commission and the community, staff is presenting information regarding the changes in a public forum for the sake of transparency and clear communication.

- *Notice of a Modification to DA Exhibit C:* Staff is modifying an exhibit to the Development Agreement to coordinate timing of the required soil remediation of Estuary Park to coincide with redevelopment of the park by the City of Oakland. The original Exhibit C ties park soil remediation to the certificate of occupancy for the 550th residential unit. Depending on the timing of each project, this could result in the park remaining in an unusable condition between the remediation trigger and delivery of the park improvements. The modification to Exhibit C revises the timing of required remediation to coincide with the construction of park improvements in order to minimize closures of an active City park.

GENERAL PLAN ANALYSIS

Existing General Plan Land Use Classifications

The Brooklyn Basin project site is located in the Planned Waterfront Development-1 (PWD-1) Estuary Policy Plan land use designation (the Estuary Policy Plan is the General Plan for the area that includes Brooklyn Basin). The adopted intent of the PWD-1 is to “provide for the transformation of maritime and marine industrial uses into a public-oriented waterfront district that encourages significant public access and open space opportunities. Encourage unique mix of

light industrial, manufacturing, artist lofts and workshops, hotel, commercial, recreation, cultural uses, and water-oriented use that complement the recreational and open space character of the waterfront.” The PWD-1 land use designation includes an allowable residential density of 50 units per gross acre and 140 units per net acre).

None of the items before the Planning Commission in this report change the approved project in any way that would affect compliance with the General Plan. The Phase 2 streets and infrastructure FDP is consistent with the VTTM in terms of design and layout and with the Phase 1 improvements, as well. The minor changes to the design of Shoreline Park do not affect the size, location or use of the planned park. The modification to the DA Exhibit C affects only the timing of Estuary Park remediation and would reduce the time during which the park would be out of commission. The Signage Master Plan is a compliance requirement for the approved project. Finally, creek permits are currently required for construction-related permits related to Brooklyn Basin; although the Master Creek Permit would alter how compliance is achieved, it would ultimately result in the same outcome as standard procedure. In short, the proposals before the Planning Commission are consistent with the terms and intent of the regulatory framework and previous approvals for the project.

ZONING ANALYSIS

Zoning District Analysis

The Phase 1 area of the Brooklyn Basin site is located entirely within the D-OTN zoning district of the Oakland Planning Code (formerly known as, and identified in the regulations as, PWD-4). The D-OTN zoning district is intended to facilitate the development of an integrated mixed-use development, including residential, public and private open space and commercial land uses. The zoning regulations require FDPs for all improvements, including streets, sidewalks and infrastructure. FDPs are to be approved by the Planning Commission, which must find that the plans are in substantial compliance with the PDP and the Oak to Ninth Design Guidelines.

As noted above, none of the items before the Planning Commission in this report change the approved project in any way that would affect compliance with the General Plan:

- The Phase 2 streets and infrastructure FDP is consistent with the Vesting Tentative Tract Map (VTTM) in terms of design and layout and with the Phase 1 improvements, as well.
- The minor changes to the design of Shoreline Park do not affect the size, location or use of the planned park.
- The modification to the DA Exhibit C affects only the timing of Estuary Park remediation and would reduce the time during which the park would be out of commission.
- The Signage Master Plan is allowed under the Oakland Planning Code to facilitate review and streamline sign permits.

- Finally, creek permits are currently required for construction-related permits related to Brooklyn Basin; although the Master Creek Permit would alter how compliance is achieved, it would ultimately result in the same outcome as standard procedure.

In short, the proposals before the Planning Commission are consistent with the terms and intent of the regulatory framework and previous approvals for the project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The planned Brooklyn Basin Project, approved in 2009, fully evaluated the environmental impacts of the project, in accordance with all applicable requirements. Specifically, the City of Oakland prepared and certified an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA). CEQA specifically requires the analysis of potential adverse effects of a project on the environment.

The Brooklyn Basin Project decisions subject to CEQA compliance at this time include the following: Phase 2 Streets and Infrastructure FDP; Brooklyn Basin Master Creek Permit; Signage Master Plan; and the Modification to DA Exhibit C. None of these proposals changes the planned land use or conceptual design of the Brooklyn Basin Project, as permitted under the PUD, VTTM, and analyzed in the certified Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013]. The Master Creek Permit would satisfy requirements of the EIR and would constitute an equivalent (if not more stringent) means of compliance with mitigation measures contained therein that pertain to the City of Oakland Creek Protection, Storm Water Management and Discharge Control Ordinance (Creek Ordinance). As demonstrated throughout the staff report, since there is no substantive change to the project, only refinement and evolution of the design consistent with Planning Code requirements for PUDs and allowed by the terms of the DA, there is no justification for preparing new analyses and/or studies of potential effects of or on the project (as the project is already approved).

The City Council certified the EIR for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the City Council (Attachment F: EIR) and is available to the public at the Planning Department offices and on the web at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>.

Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed projects. In accordance with CEQA, the City reviewed and analyzed the proposed projects and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those

circumstances are present. Because the projects are a refinement and evolution of, and not a substantive change to, the approved Brooklyn Basin Project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

ZONING AND RELATED ISSUES

The following discussion provides further analysis of the five components addressed in this report.

Phase 2 Streets and Infrastructure FDP

The Phase 2 FDP is entirely consistent with and a refinement of the approved project entitlements. In addition, the proposed plans are consistent with and carry out the work from the Phase 1 street and infrastructure improvements into Phase 2. The FDP is a compliance requirement for the Phase 2 Final Map, an application for which has been received by the City of Oakland Engineering Services Division. Staff has not identified any specific issues or concerns related to the FDP application.

Brooklyn Basin Creek Permit

Much of Brooklyn Basin is located within close proximity to the Oakland Estuary and is subject to the City of Oakland Creek Ordinance, as codified in Oakland Municipal Code Section 13.16. The Creek Ordinance requires creek permits for development located on creekside parcels. The

entirety of the Brooklyn Basin development area is identified as creekside parcel(s). As such, all development would be subject to creek permits, some of which would specifically include 17-day public notices prior to approval (depending on the applicable creek permit category for each construction-related permit). In an effort to streamline and consolidate review and consideration of required creek permits, staff proposes a Master Creek Permit (MCP) with future staff-level submittal and review requirements prior to issuance of affected construction-related permits.

The MCP would ultimately result in the same level of submittal requirements and staff-level review for each affected construction-related permit as in a site-specific creek permit; however, the MCP would have a longer life-span than a standard creek permit, and would eliminate future public review or site-specific submittals following Planning Commission approval of the MCP. Specific components of the proposed Master Creek Permit include the following:

- **Minimum Application Submittal:** A typical creek permit submittal includes a site plan, creek protection plan and hydrology report. The MCP submittal only includes a site plan for the entire, previously approved Planned Unit Development (PUD). The proposed MCP Conditions of Approval (CoA) include a project-specific measure that requires meeting all of the Category 4 creek permit requirements, subject to staff review and approval, at the time of applicable construction-related permit submittal. The intent of this approach is to provide one round of high-level public review now, while ensuring the same level of staff review as provided for a standard creek permit at the time of the affected construction-related permit.
- **Extended Life of Permit:** A typical creek permit has a lifespan of two years (consistent with the City of Oakland's adopted Standard Conditions of Approval). DA section 3.5.7. Terms of City Approvals, states: Notwithstanding anything to the contrary to Applicable City Regulations, the term of any City Approval for the Project shall be automatically extended to equal, but not exceed, the Term of this Agreement. As such, the lifespan of the Brooklyn Basin MCP would coincide with the life of the DA (set to expire on December 31, 2029). For the purpose of clarity, this is reflected in the draft Conditions of Approval to be considered by the Planning Commission that are part of this report.
- **Required Future Staff-Level Review:** In order to ensure compliance with the Creek Ordinance, the MCP would continue to require submittal of creek protection plans and hydrology reports for construction permits. However, rather than process a new creek permit application for each construction-related permit, the totality of submittal requirements of the Creek Ordinance and staff-level review would be met as a condition of approval applied to each applicable construction-related permit subsequent to approval of the MCP.
- **Discretionary Consideration of MCP:** Typically, a Category 4 Creek Permit (which receives the highest level of public review and scrutiny) is subject to public notice and an administrative decision. However, the MCP would allow for three deviations from standard creek permit practice: extended life of the permit; irrigation of new plant material for three growing seasons (as compared to the one season required under the standard condition of approval); and a minimum application submittal for the MCP (with conditions of approval to ensure that the full complement of creek permit requirements

are met prior to issuance of applicable construction-related permits). As such, staff seeks discretionary consideration of the MCP by the Planning Commission.

Signage Master Plan

The Signage Master Plan has been prepared in accordance with Planning Code Section 17.104.070 Master Sign Programs. The Signage Master Plan includes district identity signage, site and wayfinding signage and guidelines for development and business signage in the district. Staff is concerned that the district identity signage, particularly the gateway monument signage (of which there are two proposed) to be located in the public Right-of-Way (ROW), has a corporate appearance appropriate to a private campus (like an office park) and does not provide a sense of connection to Oakland. Staff believes that gateway monument signage in the public ROW should be expressive of the unique creative, geographic and historic qualities of the site and community (the corten steel cutout wildlife in the street medians of Montclair are a good example of this approach). Staff recommends that the Planning Commission approve the Signage Master Plan conditioned upon working with staff to identify appropriate public art or other gateway monument features that can identify and celebrate the unique qualities of the Brooklyn Basin neighborhood while also celebrating the connection between the neighborhood and the larger city within which it exists.

Modification to Development Agreement Exhibit C

By way of this report and notice of public hearing, staff notices the Planning Commission of a modification to the DA to be undertaken by staff. Exhibit C: Phasing Schedule to the DA requires the Master Developer to remediate Estuary Park (including Parcel N) prior to delivery of the 550th residential unit for the project. This requirement, approved in 2009, was intended to provide site remediation immediately prior to redevelopment and expansion of Estuary Park, as provided for under Measure DD. However, the current schedules for delivery of Brooklyn Basin and Measure DD projects no longer coincide to provide seamless phasing of site remediation and redevelopment. At this time, remediation could be triggered as early as 2018, while park redevelopment is not expected to be complete until approximately 2020. Remediation involves extensive grading activities with a new finish grade that will take this very active park out of commission until redevelopment occurs. In order to maximize the availability of the existing Estuary Park for public use until park redevelopment, staff recommends modifying text in Exhibit C to the DA, as follows (deleted text shown in ~~strikeout~~ and proposed new text in **highlight**):

Phase Ia: Demolition of Cash and Carry Building and Remediation of Estuary Park Peninsula

This phase involves demolition of the Cash and Carry Warehouse and Remediation of Estuary Park Peninsula, comprising the entirety of the area depicted as Phase Ia on the Phasing Plan attached as Exhibit C-1.

- a) Demolition and Remediation;
 - i. Demolition of approximately of a 78,400 square foot warehouse building.

- ii. Implementation of the site remediation plan under the regulatory oversight of the California State Department of Substance Control (DTSC).
- b) Completion Time frames;
 - a. Completed of Phase I park improvements prior to the issuance of a certificate of occupancy for the 550th residential unit for the project or five (5) years from the issuance of the first building permit for Phase I construction of Estuary Park redevelopment project by the City of Oakland or expiration of the Development Agreement, whichever occurs first.

The Master Developer has already demolished the Cash and Carry Building. Therefore, the proposed modification to Exhibit C to the DA would only affect remediation of the Estuary Park site.

It should be noted that a modification to the DA such as this proposal does not require a noticed, public hearing. DA Section 11.2 states: "Certain Actions Not an Amendment. Notwithstanding the provisions of Section 11.1 above, a modification to this Agreement which does not relate to the Term, permitted uses of the Project, location, density or intensity of uses of the Project, height, design or size of improvements within the Project, provisions for Dedications, or to any conditions, terms, restrictions and requirements relating to the subsequent actions of City and Agency under Article IV, or related to any uses of the Project, shall not require a noticed public hearing before the Parties execute such modification, but shall require the giving of notice pursuant to Section 65867 of the Development Agreement Legislation as specified by Section 65868 thereof." Rather than send out a separate notice regarding this modification, staff has elected to simplify and consolidate notification regarding and information about a number of Brooklyn Basin project actions through this report and public noticing process.

Shoreline Park

The revised Shoreline Park plans include minor revisions that would typically not trigger Planning Commission review. Typically, projects undergo minor adjustments and revisions between entitlement and issuance of construction-related permits with only staff-level review. Due to public interest in this project (and the fact that it will be a public park), staff is presenting revised plans to the Planning Commission in order to provide transparency as the design evolves toward project delivery.

RECOMMENDATION AND CONCLUSION

Staff requests that the Planning Commission consider the following:

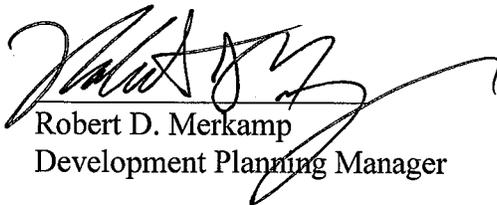
- Pursuant to CEQA Guidelines Section 15162, and based on the attached findings, rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the Phase 2 streets and infrastructure FDP, the Brooklyn Basin Master Creek Permit, Modification to DA Exhibit C, and the Signage Master Plan;
- Based on the attached findings:
 - Approve the Phase 2 streets and infrastructure FDP;
 - Approve the Brooklyn Basin Master Creek Permit;
 - Approve the Brooklyn Basin Signage Master Plan, conditioned upon working with staff to design appropriate project identity monuments in the public ROW;
- Accept an information report regarding
 - Notification of a modification to DA Exhibit C; and
 - Minor revisions to the Shoreline Park plans.

Prepared by:



CATHERINE PAYNE
Planner IV

Approved by:



Robert D. Merkamp
Development Planning Manager

Approved for forwarding to the Planning Commission



Darin Ranelletti, Interim Director
Planning and Building Department

Attachments:

- A. Proposed Phase 2 Streets and Infrastructure FDP, dated July 22, 2016
- B. Master Creek Permit Submittal
- C. Signage Master Plan
- D. Shoreline Park Plans, dated September, 2016
- E. Modification to Development Agreement Exhibit C
- F. Oak to Ninth Avenue Redevelopment Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>).
- G. Background Documents:
 - a. D-OTN Zoning District Regulations (formerly Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project)
 - b. Brooklyn Basin – Oak to 9th Preliminary Development Plan, October 2006, and Oak to 9th Brooklyn Basin Design Guidelines, November 2006, and revised by Planning Commission on November 5, 2014
 - c. Vesting Tentative Tract Map Excerpt, March 2006
 - d. Conditions of Approval, 2006

FINDINGS:
BROOLYN BASIN PHASE 2 STREETS AND INFRASTRUCTURE
FINAL DEVELOPMENT PERMIT
&
BROOKLYN BASIN MASTER CREEK PERMIT

California Environmental Quality Act

The planned Brooklyn Basin Project, approved in 2009, fully evaluated the environmental impacts of the project, in accordance with all applicable requirements. Specifically, the City of Oakland prepared and certified an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA). CEQA specifically requires the analysis of potential adverse effects of a project on the environment.

The Brooklyn Basin Project decisions subject to CEQA compliance at this time include the following: Phase 2 Streets and Infrastructure FDP; Brooklyn Basin Master Creek Permit; Signage Master Plan; and the Modification to DA Exhibit C. None of these proposals changes the planned land use or conceptual design of the Brooklyn Basin Project, as permitted under the PUD, VTTM, and analyzed in the certified Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013]. The Master Creek Permit would satisfy requirements of the EIR and would constitute an equivalent (if not more stringent) means of compliance with mitigation measures contained therein that pertain to the City of Oakland Creek Protection, StormWater Management and Discharge Control Ordinance (Creek Ordinance). As demonstrated throughout the staff report, since there is no substantive change to the project, only refinement and evolution of the design consistent with Planning Code requirements for PUDs and allowed by the terms of the DA, there is no justification for preparing new analyses and/or studies of potential effects of or on the project (as the project is already approved).

The City Council certified the EIR for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the City Council (Attachment F: EIR) and is available to the public at the Planning Department offices and on the web at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409>.

Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed projects. In accordance with CEQA, the City reviewed and analyzed the proposed projects and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those

circumstances are present. Because the projects are a refinement and evolution of, and not a substantive change to, the approved Brooklyn Basin Project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

**Planned Waterfront Zoning District-4(PWD-4)
Findings for FDP**

“The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement...”

As demonstrated throughout this staff report, the Brooklyn Basin Phase 2 Streets, Landscaping and Infrastructure Final Development Permit is consistent with the Preliminary Development Plan, the Oak to Ninth Design Guidelines, the PWD-4, OS-RSP, and S-2/S-4 zoning regulations, TTM7621, the Conditions of Approval, the MMRP, and the Development Agreement. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to refine and not alter the design of streets and infrastructure in the Brooklyn Basin Phase 2 project.

SECTION 13.16.200 CREEK PROTECTION PERMIT CRITERIA:

The proposal meets all the required findings under Section 13.16 of the Oakland Municipal Code as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal meets the findings are shown in normal type.

A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?

es/No

The Project will not cause a substantial adverse impact on the creek for several reasons:

1. Estuary revegetation is incorporated into the project along large portions of the Estuary banks to reduce erosion, provide habitat for wildlife, and reduce channel flow velocities through the Estuary and its bank;
2. Overall, the Estuary channel bank slopes will not be changed to reduce the capacity of the creek;
3. Standard Conditions of Approval require protective measures during the construction and post construction that shall be installed and implemented to prevent discharge of pollutants into the Estuary, prevent sedimentation into the Estuary, and prevent erosion of the Estuary bank;
4. A staff-approved Creek Protection Plan shall be implemented to minimize impacts during construction that involve erosion and sediment control measures;
5. Other regulatory agencies including the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Bay Area Regional Water Quality Control Board will provide their input to minimize impacts on the Estuary;
6. As part of the Streambed Alteration Agreement entered between the California Department of Fish and Wildlife (CDFW) and the City Of Oakland (7/17/2012), best management methods, an approved revegetation plan, and an avoidance plan to protect wildlife during construction shall be implemented to protect the riparian corridor, stabilize slopes, reduce erosion, and re-establish native vegetation.

In making the above finding, the Director of Building Services must, at a minimum, consider the following factors:**1. Will the proposed activity discharge a substantial amount of pollutants into the creek?**

Yes/No

With protective measures included in the Conditions of Approval to be implemented prior to, during, and post construction, the Project will not discharge a substantial amount of pollutants into the creek. Adherence to Best Management Practices, conformance with Standard Conditions of Approval, and compliance with the Streambed Alteration Agreement will minimize pollutants from entering the Estuary.

2. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?

Yes/No

With protective measures included in the Conditions of Approval to be implemented prior to, during, and post construction, the Project will not modify the natural flow of water in the Estuary. Adherence to Best Management Practices, conformance with Standard Conditions of Approval, and compliance with the Streambed Alteration Agreement will minimize pollutants from entering the Estuary.

3. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?

Yes/ No

There is little likelihood that new material will be deposited into the creek because Conditions of Approval will require protection measures prior to, during, and post construction. Therefore, the Project will not deposit a substantial amount of new material into the creek or cause erosion or instability of the Estuary bank.

4. Will the proposed activity result in substantial alteration of the capacity of the creek?

Yes/ No

The Project would be subject to Standard Conditions of Approval. In addition, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Bay Area Regional Water Quality Control Board will provide their input to minimize impacts on the Estuary.

5. Are there any other factors which would indicate that the proposed activity will adversely affect the creek?

Yes/ No

The Project would be subject to Standard Conditions of Approval. In addition, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Bay Area Regional Water Quality Control Board will provide their input to minimize impacts on the Estuary.

6. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?

Yes/ No

The Project would be subject to Standard Conditions of Approval. In addition, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Bay Area Regional Water Quality Control Board will provide their input to minimize impacts on the Estuary. It should also be noted that the project would result in new active and passive parks located immediately adjacent to the Estuary, providing new and increased opportunities for wildlife habitat.

B. Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?

Yes/ No

The Brooklyn Basin project site is a former industrial site. The visual quality of the corridor has been altered by these activities. The planned project would improve the visual quality and natural appearance of the corridor by introducing active and passive park uses, as well as water-related uses such as boating and Estuary habitat and function exploration opportunities.

C. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?

Yes/ No

The scope of the proposed work complies in all significant elements of the Creek Protection Ordinance, Chapter 13.16 (as shown in the approved project and as required by the Conditions of Approval for this creek permit). Additionally, all elements of the proposal conform with the Oakland General Plan and its policies regarding creek restoration and protection elements in the Open Space, Conservation, and Recreation (OSCAR) General Plan Element, e.g. Objective CO-6 Surface Waters - Ecology Protection, Benefits Promotion, and Policy CO-6.1, Creek Management.

D. Will the proposed activity substantially endanger public or private property?

Yes/ No

Due to creek protection measures, including silt fencing and fiber rolls used during construction, the proposed activity will not result in substantial danger to public or private property.

E. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?

Yes/ No

The Project provides a both a private and public benefit by enhancing and expanding the open space recreational character of the area, safeguards the water quality of the Estuary, and will enhance the visual quality of the surrounding area. New interpretative trail and new restroom facilities are also proposed to enhance the experience of the Estuary by the public. Additionally, protective measures will be in place during construction activity in the installation of pedestrian barriers, directional signage, and clearly designated staging areas. Overall, the creek restoration will not threaten the public's health and safety.

Based on the forgoing, the Creek Protection Permit for the above described project is hereby
 GRANTED.

Conditions of Approval

Part 1: Standard Conditions of Approval – General Administrative Conditions

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **October 19, 2016 Planning Commission staff report**, and the approved plans, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **no later than expiration or termination of the “Development Agreement between City of Oakland, Redevelopment Agency of the City of Oakland, and Oakland Harbor Partners, LLC”** unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. Minor and Major Changes

a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.

- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

Part 2: Standard Conditions of Approval – Environmental Protection Measures

GENERAL

14. Regulatory Permits and Authorizations from Other Agencies

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

15. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. **Landscape Plan**

a. Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

BIOLOGICAL RESOURCES

17. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed 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 the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, 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.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

18. Tree Permit

a. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

Requirement: 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:

- i. 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 project's consulting arborist. 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.

- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist 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.
- iii. 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 project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. 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.
- iv. 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.
- v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. 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.
- vi. 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.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. *Tree Replacement Plantings*

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. 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.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica*

- (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
 - iv. Minimum planting areas must be available on site as follows:
 - For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
 - v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
 - vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

19. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

20. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- 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 project 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 notifying the City and applicable 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

HYDROLOGY AND WATER QUALITY

21. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction 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 City. 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. State Construction General Permit

Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.

When Required: Prior to approval of construction-related permit

Initial Approval: State Water Resources Control Board; evidence of compliance submitted to Bureau of Building

Monitoring/Inspection: State Water Resources Control Board

24. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

25. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

26. NPDES C.3 Stormwater Requirements for Regulated Projects***a. Post-Construction Stormwater Management Plan Required***

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge

Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Maintenance Agreement Required

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures and/or conveyance to off-site treatment facilities 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 and/or conveyance to off-site treatment facilities 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 maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

27. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;

- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

28. Vegetation Management on Creekside Properties

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

- a. Identify and leave “islands” of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Creek Protection Plan

a. *Creek Protection Plan Required*

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to

the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Construction BMPs

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

- i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

- ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
- xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

c. *Post-Construction BMPs*

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

d. *Creek Landscaping*

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

e. Creek Protection Plan Implementation

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Creek Dewatering/Diversion

Requirement: The project applicant shall submit a Dewatering and Diversion Plan for review and approval by the City, and shall implement the approved Plan. The Plan shall comply, at a minimum, with the following:

- a. All dewatering and diversion activities shall comply with the requirements of all necessary regulatory permits and authorizations from other agencies (e.g., Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Army Corps of Engineers).
- b. All native aquatic life (e.g., fish, amphibians, and turtles) within the work site shall be relocated by a qualified biologist prior to dewatering, in accordance with applicable regional, state, and federal requirements. Captured native aquatic life shall be moved to the nearest appropriate site on the stream channel downstream. The biologist shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service, as applicable.
- c. If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain native aquatic life below the dam or other artificial obstruction.
- d. Construction and operation of dewatering/diversion devices shall meet the standards contained in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board.
- e. Cofferdams and/or water diversion system shall be constructed of a non-erodible material which will cause little or no siltation. Cofferdams and the water diversion system shall be maintained in place and functional throughout the construction period. If the cofferdams or

water diversion systems fail, they shall be repaired immediately based on the recommendations of a qualified environmental consultant. The devices shall be removed after construction is complete and the site is stabilized.

- f. Pumped water shall be passed through a sediment settling device before returning to the stream channel. Velocity dissipation measures are required at the outfall to prevent erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

31. **Structures in a Flood Zone**

Requirement: The project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. The project applicant shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations elevated above the Base Flood Elevation (BFE).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

32. **Bay Conservation and Development Commission (BCDC) Approval**

Requirement: The project applicant shall obtain the necessary permit/approval, if required, from the Bay Conservation and Development Commission (BCDC) for work within BCDC's jurisdiction to address issues such as but not limited to shoreline public access and sea level rise. The project applicant shall submit evidence of the permit/approval to the City and comply with all requirements and conditions of the permit/approval.

When Required: Prior to activity requiring permit/approval from BCDC

Initial Approval: Approval by BCDC; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: BCDC

TRANSPORTATION/TRAFFIC

33. **Construction Activity in the Public Right-of-Way**

a. Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. *Repair of City Streets*

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her 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 approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

34. Additional Submittals Subject to Staff-Level Determination of Compliance

Requirement: At the time of first construction permit application submittal for each parcel included in this permit, the Applicant shall submit the following documents for staff-level review and determination of compliance with this permit:

- Fee: Applicant shall submit payment to accommodate staff-level review of compliance with this condition of approval equivalent to the Category IV Creek Permit application fee at the time of a complete compliance review submittal on the subject parcel.
- Site Plan
- Creek Protection Plan
- Hydrology Report
- Demonstration of compliance with Oak to Ninth Avenue Project Environmental Impact Report (and technical studies)
- Final Development Permit Approval for affected site (including approval letter and stamped plans): If FDP is substantially different from PDP dated October 2006 and/or relies on a revision to the October 2006 PDP, then the affected construction-related permit is subject to a new and separate creek permit at the time of submittal.

If staff determines that there are substantive changes to the site plan for the affected parcel since approval of this Master Creek Permit, the construction-related permit shall be subject to the Creek Permit procedure in place at the time of application for said construction-related permit. Substantive changes include, but are not limited to: change in grading concept and change in building footprint.

When Required: Prior to approval of construction-related permit on any affected parcel

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date