
**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, **June 21, 2017 Planning Commission staff report and as may be amended in the final City Council decision** and the approved plans **contained in the June 21, 2017 Planning Commission staff report and as maybe amended in the final City Council decision**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

- i. General Plan Land Use Diagram amendment
- ii. Amended zoning text and zoning diagram Oak Knoll PUD permit, including Oak Knoll Preliminary Development Plan (PDP) Final Development Plans for the Master Developer Improvements and Club Knoll (FDP) and Design Guidelines, dated January 2017
- iii. Transportation Demand Management (TDM) Plan, as included in the April 27, 2017 Final Supplemental EIR
- iv. Greenhouse Gas Reduction Plan (GGRP), as included in the April 27, 2017 Final Supplemental EIR
- v. Creek Protection Permit and Creek Restoration Plan
- vi. Vesting Tentative Tract Map No 8320
- vii. Development Agreement

2. Effective Date, Expiration, Extensions and Extinguishment

Pursuant to the City’s Subdivision Code, an approved tentative tract map expired two years after its approval but may be extended for an additional year for a maximum for a three-year period. The California Subdivision Map Act, however, specifies that an approved tentative map expires two years after its approval and that upon application of the subdivider prior to the expiration of the approved tentative map, the life of the tentative map may be extended for an additional six years. Case law indicates that these provisions in the California Subdivision Map Act preempt the City’s Subdivision Code. The applicant has requested that a Vesting Tentative Tract Map (VTTM) for the project be extended the additional six-years pursuant to the California Subdivision Map Act. Accordingly, the VTTM shall expire eight years after the date of this approval. Nothing herein shall be in derogation of any additional extensions to the VTTM arising by the operation of law under the California Subdivision Map Act. The Preliminary Development Plan (PDP) and Final Development Plan (FDP)’s for the Planned Unit Development Permit shall be subject to the same timeframes as the VTTM. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit 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

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. Major Changes include but are not limited to changes to density or intensity of uses in the project, changes to relocation and rehabilitation of Club Knoll, changes to building heights along roadways 26' wide or less, changes to amount of storm water treatment areas, changes to open space dedication or easement areas, or changes that will result in any of the circumstances requiring further environmental review pursuant to CEQA Guidelines section 15162 or Public Resources Code section 21166.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors and subsequent merchant builders or homebuilders, (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, mitigation measure 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. Compliance with the Terms of this Approval***Ongoing***

For the duration of the project, the Director of Planning and Building or his/her designee shall have the authority to determine whether the Project Applicant and the project comply with the terms and conditions of this approval, including, without limitation, these Conditions of Approval, and shall have the authority to suspend further Project approvals, including without limitation, final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. The City shall take reasonable steps to promptly notify, in writing, the Project Applicant of any request (including a request by City staff or by the public) that the Director Planning and Building make a determination of non-compliance, and shall provide the Project Applicant a copy of all public documents related to such requests and a reasonable amount of time to respond and to cure any such alleged non-compliance. The City further shall take reasonable steps to promptly notify, in writing, the Project Applicant of any non-compliance determination by the Director of Building and Planning and, as applicable, shall provide the Project Applicant a copy of all documents used or relied upon in making such determination. On or before Jun 30 of each year, the Project Applicant shall submit to the Director of Planning and Building for review and approval a report demonstrating the Project Applicant's and the Project's compliance with the terms and conditions of the Project Approvals. Such report may be used by the Director of Planning and Building to evaluate the Project Applicant's and the Project's compliance with the terms and conditions of the Project Approvals. The Project Applicant's obligation to submit such annual report shall terminate only upon the City's written determination that the Project is completed. To the extent practicable, this review shall be conducted concurrently with any Annual Review conducted pursuant to a Development Agreement.

Any failure by the City or Project Applicant to perform any action specified herein, or failure of any party timely to execute any agreement specified herein shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any obligation of Project Applicant, including, without limitation compliance with these Conditions of Approval, regardless of the length of time for which failure continues, shall not constitute a waiver of City's right to demand strict compliance with such requirements in the future. No waiver by City of any failure of performance with these Conditions of Approval or other requirements associated with the Project Approval or any law or regulation shall be effective or binding upon City unless made in writing by City, and no such waiver shall be implied from any delay or omission by City to take any action with respect to such failure.

7. 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. The Project Applicant and its agents, heirs, successors (including, without limitation, any successive owner of any portion of the Project Site) and assigns (collectively, "Project Applicant") shall be bound by these Conditions of Approval, any other terms and conditions and any other applicable legal requirements for implementation of the Project. The Project Applicant shall be responsible for assuring that any agent, heirs, successors and assigns are fully informed of, and bound by, the terms and conditions of this Approval.

8. 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.

9. 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.

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.

10. 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.

11. 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.

12. 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.

13. 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.

14. Construction Management Plan

Prior to the issuance of each construction-related permit and project phase, 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.

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

- a. All mitigation measures identified in the **Oak Knoll Mixed Use Community Plan Project Supplemental EIR** are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment N, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the **Oak Knoll Mixed Use Community Plan Project Supplemental EIR** are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the **Oak Knoll Mixed Use Community Plan Project Supplemental EIR** has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the **Oak Knoll Mixed Use Community Plan Project Supplemental EIR** into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner and subsequent merchant builders or developers, shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.
- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

16. Payment of Fees

Prior to issuance of a building permit

- a. The project applicant shall submit payment for all applicable and required fees including but not limited to the School fees, transportation fees, etc.

Within one year following the Effective Date

- b. The Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the Project. The City and the Project Applicant acknowledge the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to [INSERT]. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval, the Project Approvals and the SCAMMRP, as the final design and building permit plans for each Development Phase are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision and direction of the City. Accordingly, the Applicant shall deposit fund in amounts acceptable to the City to cover the full costs of such consultants and other types or review, monitoring and inspection, including, without limitation, third-party plan check fees.

Part 2: Project Specific Standard Conditions of Approval –

Recommended Measures from Supplemental EIR

17. Star Tulip: Recommendation BIO-1

Prior to construction

The following measures shall be implemented:

- a) A qualified botanist shall flag the location of Oakland star tulip plants during the flowering period prior to site grading. Under the direction of the qualified botanist, bulbs shall be harvested from at least 50 percent the Oakland star tulip plants within the Project site following flowering and withering of leaves.
- b) Harvested bulbs shall be:
 - i. stored for reintroduction into suitable habitat within upland woodland portions the creek restoration area of the Project site; or
 - ii. made available to a reputable organization for reintroduction into suitable locations near the Project vicinity, such the East Bay Regional Park District, East Bay Chapter of the California Native Plant Society, UC Berkeley Botanical Garden, or Merritt College Horticultural Department.
- c) If plants are reintroduced within the Project site, the Project sponsor shall prepare a Monitoring Plan for relocated / transplanted Oakland star-tulip plants within the Project site. The plan shall detail methods and location for relocating or reintroducing Oakland star-tulip population, monitoring methods and maintenance for successful establishment, and reporting protocols. The recommended success criteria for relocated plants is 0.5:1 ratio [number of plants established: number of plants impacted] after two years.
- d) Contingency measures should be included in the plan if it appears the success criterion will not be met after two years.

e) The plan shall be developed in consultation with the appropriate agencies prior to the start of local construction activities. f) Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

18. Sudden Oak Death (during relocation of existing trees within the Project site or introduction of new trees): Recommendation BIO-2)

The following measures shall be implemented during relocation of existing trees within the Project site or introduction of new trees to the Project site through mitigation plantings to prevent the spread of *Phytophthora ramorum*, the pathogen that causes SOD.

a) Before working:

- i. Provide crews with sanitation kits. (Sanitation kits should contain the following: Chlorine bleach [10/90 mixture bleach to water], or Clorox Clean-up®, scrub-brush, metal scraper, boot brush and plastic gloves).
- ii. Ensure that work crews have properly cleaned and sanitized pruning gear, trucks and chippers prior to entering the Project Area.
- iii. Clean and sanitize shoes, pruning gear and other equipment before working in an area with susceptible species (i.e. coast live oak, canyon live oak and California bay).

b) While working:

- i. When possible, conduct all tree work on *P. ramorum*-infected and susceptible species during the dry season (June - October). The pathogen is most likely to spread during periods of high rainfall especially in spring (April and May). Working during wet conditions should be avoided.
- ii. If working in wet conditions cannot be avoided, keep equipment on paved or dry surfaces and avoid mud.
- iii. Work in disease-free areas before proceeding to suspected-infestation areas.
- iv. All debris from California bay trees, the primary vector of the pathogen, shall be mulched and spread in place, moved to a sunny dry area free of coast live oak, or disposed of offsite in a permitted disposal facility in accordance with state and federal regulations.
- v. When removing California bay trees, all mulch and debris shall be segregated from other species when chipping, and all pruning gear and equipment, including chippers and trucks shall be cleaned and sanitized before working on coast live oaks.

c) After working:

- i. Use all reasonable methods to clean and sanitize personal gear and crew equipment before leaving a *P. ramorum*-infested site. Scrape, brush and/or hose off accumulated soil and mud from clothing, gloves, boots and shoes. Remove mud and plant debris, especially California bay, by blowing it out or power washing chipper trucks, chippers, buckets trucks, fertilization and soil aeration equipment, cranes, and other vehicles.
- ii. Restrict the movement of soil and leaf litter under California bay trees as spores are most abundant on California bay leaves. Contaminated soil, particularly mud, and plant debris on vehicle tires, workers boots, shovels, chippers, stump grinders, trenchers, etc., may result in pathogen spread if moved to a new, un-infested site. Thoroughly clean all equipment and remove or wash soil, mud and plant debris from these items before use at another site. If complete on-site sanitation is not possible, complete the work at a local power wash facility.

iii. Tools used in tree removal/pruning may become contaminated and should be cleaned thoroughly with a scrub brush and disinfected with Lysol® spray, a 70% or greater solution of alcohol, or a Clorox® solution (1 part Chlorox® to 9 parts water or Clorox Clean-up®).

d) When planting:

- i. Replanting should occur in the early fall when the pathogen is less active, and in order to take advantage of seasonal rains. Replanting activities should avoid late winter and spring.
- ii. Planting sites for susceptible species including coast live oak and canyon live oak should be selected in areas that are at least 20 yards away from California bay trees, brush and/or plant material.
- iii. California bay shall not be used as mulch for new plantings.
- iv. Small, non-protected (less than 9 inches diameter) California bay trees and brush should be cleared within a 20-yard or greater buffer where feasible to protect susceptible oak trees that are selected for preservation.

19. CPTED: Recommendation PSR-1

As part of the City's standard development review process, the Project sponsor should submit the Project plans for Crime Prevention through Environmental Design (CPTED) review by the Oakland Police Department and Bureau of Planning staff. The Project should consider design features included on the City's CPTED Checklists for residential, commercial, and civic uses. The Project sponsor shall incorporate the Police Department's recommendations into the final Project design and shall implement the design measures. CPTED review and recommendations may address points of access to the Project site or adjacent parcels, adequate public lighting, landscaping and buffering that provides visual access, particularly in parks, open spaces, and pedestrian and bicycle facilities, etc.

20. Pedestrian Safety (Crosswalks)

a) Recommendation TRANS-1

Provide high-visibility crosswalks across Mountain Boulevard at Creekside Parkway, across Mountain Boulevard at Sequoyah Road, across Keller Avenue at Creekside Parkway, and at the unsignalized and uncontrolled movements at intersections within the site, consistent with City of Oakland's guidelines in place at the time of final design.

b) Recommendation TRANS-3

Provide sidewalk along southbound Mountain Boulevard to close the existing gap between the Oak Knoll Heights exit driveway and the existing bus stop at Sequoyah Road.

Planned Unit Development Permit, Preliminary Development Plan and Final Development Plan

21. Club Knoll Work Plan, Approval and Monitoring

Prior to approval of a construction-related permit for Club Knoll

A Final Work Plan for Club Knoll Relocation and Rehabilitation shall be prepared and submitted for City review and approval. The contents of the Final Work Plan shall include:

- a) Final Relocation Travel Route Plan
- b) Complete Baseline Building Conditions Study, Structural
- c) Complete Building Features Inventory and Plan
- d) All identified Specific Relocation/ Rehabilitation Measures as included in the SEIR

At City's discretion, City may retain third-party independent professional consultants to review and make recommendation on the Final Work Plan prior to approval. The Final Work Plan shall be submitted to LPAB for their review and approval prior to implementation. A third-party independent professional preservation architect and structural engineer (as defined in the Carey & Co. report dated May 3, 2016 shall be on site to monitor dismantlement and reassembly of Club Knoll.

22. Owner's Completion Bond

Prior to issuance of a construction-related permit

Consistent with Municipal Code Section 15.44.030, the project applicant or their designated representative shall file with the Building Inspector a surety company bond executed by owner or lessee as principal, and conditioned as follows:

- a) That all of the work required to be done to complete the relocation and rehabilitation of Club Knoll pursuant to the conditions of approval set forth herein shall be fully performed and completed within a reasonable time to be specified by the Building Inspector.
- b) Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus ten percent, and shall name the city of Oakland as obligee.
- c) If the Building Inspector determines that the conditions and obligations of the Club Knoll relocation and rehabilitation permit have not been met by the property owner or lessee, the Building Inspector may proceed at the property owner's expense to complete all remaining obligations. Remaining relocation and rehabilitation work may be done by private contractors, and the Building Inspector shall keep an itemized account of such costs.
- d) Upon completion of the work, the City Manager or his or her designee shall provide written notice to the owner or lessee, showing the itemized cost of such work and giving notice of the day, hour and place when the City Council will hear and pass upon a report by the Building Inspector or his or her representative of said costs.

23. Surety Bond

Prior to issuance of a construction-related permit

Consistent with Municipal Code Section 15.44.070 and 080, the project applicant shall file a surety bond with the City Clerk, executed by the project applicant and by a surety company authorized to do business in California as surety.

- a) The surety bond shall name the city of Oakland as obligee, and shall be a principal amount as may be fixed by the City Manager based upon the facts and conditions of the proposed relocation and rehabilitation of Club Knoll.
- b) The surety bond shall be conditioned as to the following:
 - i. That the project applicant (or their designated representative) shall well, truly, honestly and faithfully perform and execute the duties of a building mover as regulated by the Oakland Municipal Code.
 - ii. That the project applicant (or their designated representative) shall strictly comply with all the conditions and requirements of the Oakland Municipal Code regulating the moving of buildings.
 - iii. That the project applicant (or their designated representative) shall pay any and all losses or damages that may result from moving the Club Knoll building, to any property owned or controlled by the city or for which it may be responsible, and to any property belonging to any public utility company or public carrier.

- iv. That the project applicant (or their designated representative) shall save, indemnify and keep harmless the city against all liabilities, judgments, costs and expenses which may in any way accrue against the city as a consequence of the granting of the permit to move the building.
- v. That the project applicant (or their designated representative) shall file an insurance policy of public liability and property damage with the City Clerk that satisfies all City requirements.

24. Club Knoll Relocation

The relocation of Club Knoll shall follow all building permit procedures including but not limited to noticing as applicable.

25. Historic Maintenance

Ongoing

The project applicant and/or successors shall keep in good repair all exterior and interior portions of Club Knoll, the maintenance of which is necessary to prevent deterioration and decay of the building.

26. Public Art for Private Development Condition of Approval (Commercial)

This project is subject to the City’s Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. (“Ordinance”). As a non-residential project, the public art contribution requirement is equivalent to one percent (1%) of building development costs for the project. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City’s established public art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution, or provide proof of installation of artwork on the development site prior to the City’s issuance of a final certificate of occupancy for each Phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner, subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c)(3) tax designated organization in good standing.

When Required: Prior to issuance of Final Certificate of Occupancy and Ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

27. Public Art for Private Development Condition of Approval (Residential)

This project is subject to the City’s Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. (“Ordinance”). As a residential project, the public art contribution requirement is equivalent to one half percent (0.5%) of building development costs for the project. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art on the development site, payment of an in-lieu contribution to the City’s established public art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution, or provide proof of installation of artwork on the development site prior to the City’s issuance of a final certificate of occupancy for each Phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner, subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid

Oakland business license and/or be an Oakland-based 501(c)(3) tax designated organization in good standing.

The project sponsor shall allocate the public art funds to hire Oakland-based artists to provide public art on or near the site.

When Required: Prior to issuance of Final Certificate of Occupancy for the first unit and Ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

28. Club Knoll Hours of Operation and Operations

Ongoing

Hours of Operation for community events, commercial operations and Home Owner's Association (HOA) use shall be included and specifically outlined in the CC&R's for HOA. In addition, the Club uses shall operate within the Performance Standards outlined in Planning Code Section 17.120. Furthermore, any potential Alcohol and Beverage Sales shall meet Planning Code Section 17.103.030.

29. Club Knoll Restaurant/Kitchen Uses

Prior to issuance of a building permit

The project applicant shall "plumb" Club Knoll for restaurant/kitchen uses including grease interceptors and exhaust, subject to the requirements of the Historic Building Code.

30. Plug-In Electric Vehicle (PEV) Charging Infrastructure

a. PEV-Ready Parking Spaces

Requirement: For on-site parking, the project applicant shall specify the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. PEV-Capable Parking Spaces

Requirement: For residential and non-residential projects with more than 11 onsite parking spaces, the project applicant shall specify the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. ADA-Accessible Spaces

Requirement: For public buildings, public accommodations, commercial buildings, and publicly funded housing, the project applicant shall indicate the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

31. Bike Lane Requirements

The following bike lanes will be constructed to the City of Oakland standards that are applicable at the time of the final submittal of the improvement plans. The plans will be reviewed by the Department of Transportation's Bicycle & Pedestrian Facilities Program.

a. Mountain Blvd (Maynard Ave/I-580 WB on-ramp to Golf Links Rd)

Install bike lanes in each direction on Mountain Blvd from Maynard Ave to Golf Links Rd. Minimize the elimination of on-street parking from Shone Ave to Keller Ave by having one northbound lane. If a second northbound lane is deemed necessary on the approach to Keller Ave, minimize its length to what is necessary for the traffic signal operations. From Sequoyah Rd to Golf Links Rd, maintain the northbound on-street parking that is immediately in front of private residences. This will leave some gaps in the bike lanes. Eliminate the parking that is not in front of private residences in order to install the bike lanes. As part of the intersection design for Mountain Blvd/Golf Links Rd, include bike lanes in both directions on Mountain Blvd between Golf Links Rd and the point approximately 400 feet north of the intersection where the curb-to-curb width of Mountain Blvd narrows.

b. Golf Links Rd (Mountain Blvd to 98th Ave) and 98th Ave (Golf Links Rd to Stanley Ave)

Install bike lanes in each direction on Golf Links Rd (Mountain Blvd to 98th Ave) and on 98th Ave (Golf Links Rd to Stanley Ave). On 98th Ave, maintain the existing on-street parking at the frontage of the Bishop O'Dowd High School parking lot, resulting in a short bike lane gap.

c. Edwards Ave (Mountain Blvd/I-580 WB on-ramp to I-580 EB off-ramp)

Install bike lanes in each direction on this one block of Edwards Ave (Mountain Blvd/I-580 WB on-ramp to I-580 EB off-ramp) to improve bicyclist safety on the existing bike route in the Mountain Blvd corridor. Specifically, the freeway overpass creates low light conditions and visibility issues that may be ameliorated by separating bicyclists from motor vehicles with dedicated bicycle lanes.

d. Kuhnle Ave (Mountain Blvd to Seminary Ave/Sunnymere Ave)

In conjunction with the installation of two traffic signals, redesign the one block of Kuhnle Ave from Mountain Blvd to Seminary Ave as follows: one travel lane per direction, left turn pockets, and one bike lane per direction. This redesign will eliminate one travel lane per direction.

32. North Neighborhood Park along Keller

Ongoing

No sports field lighting or field striping shall be installed in the play lawn (informal ball field).

Design Guidelines

33. Façade Materials

No foam materials are appropriate as a façade, trim, parapet or detail material.

34. Wall Design along Mountain***Prior to issuance of a Building Permit***

The project applicant shall submit the design of the privacy wall, consistent with the entitlement documents, along Mountain Boulevard to the Bureau of Planning for review and approval with the Final Development Plan submitted for that area of the Project.

35. Master Signage Program

The applicant for the Retail Village FDP shall submit a master signage program for the Village Retail Center for review and approval per the Planning Code. No signage shall be visible from the freeway without subsequent CEQA review for affects to a scenic highway.

36. Retail Signage

No retail or commercial signage shall be visible from I-580, a scenic highway.

37. Trail, Creek, and Bike Lane Signage / Markers

The applicant shall submit a trail, creek and bike lane signage or marker program through the project site prior to issuance of building permits for the master developer FDP plans. The project applicant shall implement the signage program prior to a building final for these permits. The program shall have a comprehensive design plan and shall at a minimum provide trail and bike signage at major intersections within the project, show connections to Leona Canyon Open Space and Kings Estates Open Space, and to creeks and parks inside the project site.

Vesting Tentative Tract Map**38. City Surveyor Conditions*****Prior to recording of each map***

Multiple phased final maps may be filed subject to the Phasing Schedule set forth in Oak Knoll Preliminary Development Plan. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

- a) All street shall have monuments installed for each Final Map as follows:
 - i. Monuments shall be shown on the tentative map at all BC's, PC's PRC's, Intersections (with other monument lines) and Center of Cul-de Sacs or within 25 feet of the end of a road.
 - ii. This requirement is for ALL roads public or private.
 - iii. Monuments shall be coordinated to be parallel with the right of way and equally offset from the center lines. No utility lines shall be allowed to be placed within 3 feet on either side of the monument lines.
 - iv. Monuments shall be no greater than 600 feet apart on tangent sections. Within tangent sections greater than 600' the monuments shall be evenly spaced.
 - v. All monuments shall comply with the Standard City Monument drawings in use at that time which will be available from the City Surveyor.
 - vi. All monuments not in place at the time of the submission of the first final map shall be bonded to insure installation.
 - vii. If monuments must be placed in the right-of-way because EBMUD won't allow in their easement the monuments will require a Major Encroachment Permit and Major Encroachments require City Council approval.

- viii. Any existing monuments by the federal government or others shall be mapped, identified and the appropriate Record of Survey or Corner Record filed with the County. Castings and disks shall be salvaged and delivered to the City of Oakland.

- b) Benchmarks shall be installed for the entire subdivision at intersections or mid-block as follows:
 - i. BMs shall be spaced at approximately a ¼ mile (a 1250 to 1500 foot) radii throughout the entire site.
 - ii. All BMs shall be established on City of Oakland datum
 - iii. For Each BM, when set, the surveyor shall prepare an official ‘card’ (electronic) which will be provided by the City Surveyor’s office which will include level notes, descriptions, elevation, etc.
 - iv. Benchmarks not in place at the time of the submission of the first final map shall be bonded to insure installation.
 - v. The approximate locations of all BM’s shall be shown upon the tentative map.

- c) All perimeter property corners shall be field established by the First submitted final map. Corners shall be established with 1/1/2”x4’ iron pipes (and tags) in a concert collar and will be clearly identified by fiberglass posts (Carsonite or equal).

Fire Department Conditions

39. Fire Prevention Bureau Requirements

Ongoing.

The project shall comply with all the requirements from the Fire Marshall memo dated June 9, 2017 (Attachment T).

Public Works Agency Conditions

40. Pedestrian Bridge

The pedestrian bridge shall be a minimum of 8’ in width and with the use width no less than the width of the connecting paths. The cross section shall be submitted prior to approval of the final map for review and approval by the Department of Transportations. A pedestrian easement shall be recorded over the pedestrian bridge for public access and limits only pedestrians. The pedestrian bridge shall be constructed in the 1st phase along with the Master Developer Improvements. The pedestrian bridge shall include adequate lighting as determined by Public Works.

41. FEMA Regulations

All final design of buildings and structures, public or private, shall meet FEMA regulations to the satisfaction of the City Engineer, City Building Official, and the City’s Floodplain Administrator.

42. Roadway Bridge

The new Roadway Bridge should include new sidewalks that are a minimum of 6’ in width on both. The pedestrian bridge shall include adequate lighting as determined by Public Works.

43. Bulb-outs Design

Bulb-outs within the City right-of-way be curved and designed to accommodate street sweeping trucks.

44. Sanitary Sewers Design

The sanitary sewer design for the project shall be gravity flow.

45. Geotechnical Peer Review***Prior to issuance of a grading permit***

At the discretion of the City Engineer or the City Building Official, the applicant shall provide any necessary Geotechnical Peer Review by a licensed Geotechnical Engineer. The recommendations provided in the peer review report shall be responded to in writing by the Geotechnical Engineer. The recommendations provided in the peer review shall be incorporated into improvement plans to the satisfaction of the City Engineer and City Building Official prior to issuance of related grading and/or building permits. The developer shall be responsible for the costs of any Geotechnical peer review as required by the City.

46. Establishment of a Community Facilities District***Prior to and at the time of approval of the first final map for the project***

a. Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully funded operational, and all taxes, assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the construction and maintenance including but not limited to the parks, open space, public infrastructure and public right of way. A CFD or other mechanism acceptable to City ("CFD") shall have full responsibility for such improvements and maintenance, which obligations shall be responsibilities of Applicant until such time as the mechanism is fully formed and financed to City's satisfaction, and City approves Applicant's release from such obligation following the Minimum Maintenance Standards set forth in the Development Agreement or financing mechanism document. All costs of forming and implementing such CFD, including, without limitation, costs for consultants, elections and any legal challenge, shall be at Applicant's sole costs, and at the direct supervision and direction of City. If at any time the specified mechanism is dissolved or is otherwise unable to adequately perform specified functions, the Director of Planning and Building may exercise his or her authority under the Development Agreement and the Condition of Approval. The CFD shall specify, without limitation, those obligations as set forth in Sections of. in the Development Agreement, along with the following other provisions:

a. A reserve fund shall be established in the CFD budget to provide for restoration, maintenance, repair or other work associated with all improvements and areas within the jurisdiction of the CFD.

b. The Project Applicant shall provide start-up funds for the CFD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.

c. The CFD shall include both on-going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters within the CFD jurisdiction. This work shall be

based on the final grading, site soils conditions and specifications for improvements unless otherwise covered by the GHAD.

d. The CFD budget shall separately identify the projected costs associated with (1) standard annual operation, administration and maintenance work; (2) long-term operation and maintenance including life cycle costs of major features including but not limited to the Roadway and Pedestrian Bridge; (3) storm water quality maintenance and monitoring; (4) reserve fund and (5) debt service requirements.

e. The CFD shall submit an annual report to the City Council detailing (1) compliance with the Minimum Maintenance Standards as set forth in the Development Agreement and (2) budgetary and other financial information relevant to the CFD operations.

f. The CFD shall obtain general liability insurance and directors' insurance for the Board of Directors to the extent that the CFD Board determines in its sole discretion that such insurance is available at commercially reasonable rates.

g. The assessments or taxes necessary to fund the above requirements must be determined following a thorough financial analysis and must include adequate funding for the indemnity and insurance obligations set forth in the Development Agreement and Condition of Approval. The City's attorney and Risk Manager shall also review the adequacy of the funding for the indemnity and insurance and may make recommendations regarding such funding.

h. The taxes or assessments shall be fully authorized and imposed on the project site prior to approval of the first final map. Any body formed to perform construction and/or maintenance pursuant to this Condition of Approval will be responsible for hiring its own staff (or contracting with non-City parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair and other activities of the such body and no City employees shall perform such services for CFD facilities and improvements. Further, the City shall not fund or otherwise administer any of the operations of the CFD.

47. Confirmation of Substantial Compliance with Vesting Tentative Maps

Prior to the recordation of each Final Map

Prior to recordation of each Final Map, a site plan and other information as may be required shall be submitted for the review and approval of the Development Director or his/her designee demonstrating substantial compliance with the approved VTTM and the "Project Plans" as set forth in Condition of Approval 1, as well as any subsequent permit received from a responsible or other agency with authority over the project site.

48. Phased and Multiple Final Maps

Prior to recording of each map

Multiple final maps may be filed subject to the Phasing Schedule set forth in Oak Knoll Preliminary Development Plan. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

49. Offers of Dedications at time of Final Map***Prior to recordation of each Final Map***

Prior to recordation of each Final Map all reservations and offers for dedications of easements, parcels and improvements and all other easements deemed necessary for all existing and proposed utilities shall be identified, to the satisfaction of the Transportation and Right of Way Management Division. Closure calculations for all easements, except the public utility easements (PUE) located adjacent to streets, shall be submitted for review and approval by the Transportation and Right of Way Management Division.

50. Selection of Street Names***Prior to the recordation of each Final Map***

Prior to recordation of each Final Map, street names shall be selected and submitted for approval by the Bureau of Building, PWA Engineering Services, Fire Department and Police Department.

51. Subdivision Conditions, Covenants & Restrictions (CC&Rs)***Prior to the recordation of the first Final Map for the first Project Phase***

Conditions, Covenants, and Restrictions (CC&Rs) for the total master planned community shall be prepared and submitted with an application for the first Final Map and shall be reviewed and approved by the Planning and Zoning Division and the City Attorney's Office. The master community CC&Rs may include procedures whereby property within the development may be added to the CC&Rs by means of annexation as subsequent Final Maps are processed. In addition, neighborhood CC&Rs for any sub-project common interest developments shown on a Final Map (whether condominium projects or planned developments) shall be prepared and submitted prior to the issuance of building permits for those individual merchant builders, and shall be reviewed and approved by the Planning and Zoning Division and the City Attorney's Office with respect to that Final Map. It is acknowledged by the City that common interest development CC&Rs are subject to review and approval of the California Bureau of Real Estate (CalBRE) and may, subsequent to City review, be subject to revision as directed by CalBRE or as otherwise necessary to comply with California Subdivided Lands Act, related regulations, and California common interest development laws.

52. Subdivision Improvement Plans for Each Final Map

Engineered subdivision improvement plans shall be prepared to meet all of the requirements of the City of Oakland Subdivision Ordinance and the provisions of the Subdivision Map Act and shall include the following, which incorporate the water, storm water drainage, sanitary sewer, street improvement, traffic and utility service plans.

53. Subdivision Improvement Agreement***Prior to recordation of the Final Map***

A subdivision agreement, in a form acceptable to the Design and Construction Services Division and the City Attorney's Office, shall be prepared and executed for the construction of all public improvements.

54. Cost Estimates for Improvements***Prior to acceptance of Final Map***

An engineer's estimate shall be submitted for the cost of all public and private improvements. The estimate shall be subject to approval by the Design and Construction Services Division. Based on the engineer's estimate, bonds or other approved securities must be furnished to the City in accordance with the Subdivision Improvement Agreement to ensure completion of public and private improvements.

55. Final Grading Plan for Mass Grading or for Individual Project Phases***Prior to the issuance of a grading permit or recordation of a Final Map for each Project Phase***

Applicant shall file a final grading plan that is to accompany the subdivision improvements plans shall be prepared and submitted with grading permit application and shall include the following:

- a) The grading plan shall show all proposed and existing contours as well as proposed drainage improvements.
- b) Final grading, drainage and foundation plan shall be prepared in accordance with the recommendations of the geotechnical report and supplemental letters. The plans shall be reviewed and approved by the soil engineer.
- c) The specific amount of fill material that is to be imported on the site. Retaining walls shall be a split-face or scored concrete block and shall not exceed the heights as specified on the approved Vesting Tentative Map.
- d) The final grading plan shall comply with the preliminary grading presented on the approved Vesting Tentative Map, and shall include any inconsistencies between the contours and numeric grade shown on the Vesting Tentative Map and the final grading plan shall be subject to the approval of the City Engineer.
- e) No mass grading shall occur between October 15th and April 15th unless approved by the City Engineer.

56. Construction Plans for Fire Apparatus Access Roads, Off-street Parking and Access to Lots.***Prior to recordation of a Final Map for each Project Phase***

Prior to recordation of a final map for each project phase the improvement plans for each Final Map shall be submitted to the Fire Department for review and approval. These construction plans shall show for fire apparatus access roads, off-street parking and fire access to all lots/parcels within the Oak Knoll community. These plans shall include the following:

- a) Construction documents. Construction plans for fire access roads and plans for the water supply and distribution. CFC 501.3 and 501.4.
- b) Construction of buildings. Access roads and on-site hydrants shall be installed, operating and available prior to and during construction unless approved otherwise by the Fire Department.
- c) Fire apparatus access road widths shall adopt the Fire Department's access guidelines as adopted in the CFC Appendix D.
- d) Fire watch and fire apparatus access shall be provided per CFC Chapter 5 and Appendix C during all phases of construction, especially upon delivery of combustible construction materials at the site.
- e) All fire apparatus access roads shall not exceed 18%. The apparatus turnaround shall not exceed a 5% slope.

57. Additional Required Information on Final Map(s)

Prior to recordation, the Final Map prepared and submitted for each project phase shall include the following information, as applicable:

- a) All easements to be maintained shall be clearly indicated and easements to be abandoned shall be memorialized on the map by written notation of each easement to be abandoned, shown by reference to the recording data that created the easement.
- b) All existing utilities not intended for future use in the subdivision, and not serving other off-site areas shall be abandoned, and new utilities shall be established and dedicated as needed to serve on-site and off-site areas.
- c) The Fontaine Overpass approach ramp is within the property lines with a notation on the ALTA survey that abutters rights have been relinquished to the State of California. Prior to the recordation of the first Final Map, the parcel of land underlying and separated from the main portion of the site by Fontaine shall be offered for dedication to the State of California.
- d) The ROW for Barcelona shall be conclusively determined and the final alignment of Barcelona and the conforming of paving within the public ROW shall be to the satisfaction of the existing property owners and the City.
- e) Provide documentation to show that permission, conditioned or not, has been granted by EBMUD, or that there is no bar, under the EBMUD easement, to the construction of the roadway and the proposed housing on the EBMUD tunnel easement (766 OR 472).

58. Changes to the Vesting Tentative Tract Map***Ongoing***

The final Vesting Map must substantially comply with the approved Vesting Tentative Tract Map (VTTM) per required findings. Significant changes to an approved VTTM will extinguish the "Vested" rights and will require re-approval. Significant changes would be nonconformance with the Conditions of Approval for the VTTM as well as the following: increases in the lot count, reconfiguration of the site that alters the grading concept, road widths, road slopes that exceed Fire Department requirements, and major changes to creek parcel widths, or any change deemed significant by the City Surveyor and/or the Engineering Services Division. Minor changes to the approved VTTM shall be approved by the City Surveyor and/or the Engineering Services Division prior to final Vesting Map approval and recordations.

59. Exterior Lighting Plan and Photometric Analysis

Prior to issuance of a building permit or recordation of a Final Map for each Neighborhood or Project Phase, whichever occurs first

- a) The applicant shall submit a detailed exterior lighting plan and photometric analysis shall be submitted for review and approval. Planning Division review shall ensure that the lighting plan and photometric analysis comply with the requirements set forth in Mitigation Monitoring Program and in the Oak Knoll Design Guidelines.
- b) Construction documents shall be developed considering the City of Oakland Public works Agency Outdoor Lighting Standards (www.oaklandpw.com/Page245.aspx) and Street Lighting Warrants (www.oaklandpw.com/Page247.aspx.design).

60. Transportation - Installation of AC Transit Bus Stop and Shelter***Prior to the approval of the first Development Phase or recordation of the first Final Map***

The subdivision improvement plans for the first Final Map shall incorporate the design and development of a bus stop and bus shelter at the Mountain Boulevard and Main Street entrance to the Oak Knoll community. The location, design and specifications for the bus stop and shelter shall be to the satisfaction of the City of Oakland Transportation Services Division and AC Transit. The bus stop and shelter shall be installed prior to the completion of the first project phase.

61. Gated Entries***Ongoing***

All roads and streets shall be dedicated to the City and accepted as public streets. As such, no such roads/streets shall be gated. Exceptions will only be granted for emergency vehicle access.

62. Open Space and Trails***Prior to the recordation of the first Final Map***

All areas designated as Open Space and Trails shall be dedicated to the City as Open Space Easements, through a restriction covenant or some other methods, that would ensure ongoing and continues access for the benefit of the public. The Open Space and Trails should not be dedicated in fee. (Gil had a comment about this that they should not be dedicated in fee but then the HOA or GHAD would need to hold the underlying fee as the City does not wat responsibility for geological issues.)

63. Barcelona Parcel

In the event, that the Project Applicant does not purchase the Barcelona Parcel from the City (Street A and adjoining development parcels), the Applicant and the City shall enter into a reciprocal easement agreement for the access to the property.

64. EBMUD and Right of Way Easements***Ongoing***

EMBUD owns and operates water supply tunnels and pipelines along the northern edge of the development site in the EBMUD right-of way (R/W 206 and R/W 1634) and property (506 and 217-A). The integrity of these tunnels and pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD rights-of-way and property would be subject to the terms and conditions determined by EBMUD including relocation of water mains and/or rights-of-way at the project sponsor's expense. The Community Park (North Neighborhood Park) to be developed by Oak Knoll on EBMUD property 506 is subject to the execution of the land exchange between Oak Knoll and the District. If the land exchange does not occur, the applicant shall submit revised plans for the area at North Neighborhood Park.

65. EBMUD Water Service

When development plans are finalized the applicant shall contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. The project applicant shall comply with the Landscape Water Conservation Section, Article 10 of chapter 7 of the Oakland Municipal Code. The applicant should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all applicable water-efficiency measures described in the regulation are installed at the project applicant's expense.

66. Trail Construction*Prior to the recordation of the first Final Map*

Developer shall include in the construction drawings the details of trail construction within each parcel (A (the creek), B, D, E J and O). The design shall be based on the standards and practices of the East Bay Regional Park District for width and surfacing of multi-use trails.

Creek Permit and Stormwater**67. Regulatory Agencies***Prior to issuance of a Grading Permit*

Consistent with SCAMMPR Condition of Approval, SCA GEN-1: Regulatory Permits and Authorizations from Other Agencies (#15), the project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies related to the creeks. If these permits necessitate changes to the design of the creek parcels, the Conditions regarding major and minor changes apply and might necessitate re-review.

68. Final Stormwater Control Plan*Prior to issuance of a Grading Permit*

The Final Stormwater Control Plan, including narrative, shall be submitted for approval prior to the issuance of the Grading Permit. The treatment devices shall not be located in Open Space areas.

69. Creek Maintenance*After Creek Restoration and Ongoing*

Upon sign off of the creek restoration by the Regulatory Agencies, the project applicant and successors shall submit a creek maintenance plan to ensure the successful and ongoing long-term maintenance of the creek parcels including the creek channel, and banks, stability, erosion, and infrastructure (bridges, culverts, stormwater facilities, etc.) Long term creek maintenance shall be guaranteed through the formation of a Community Facilities District, Geologic Hazard Abatement District or other means approved by the Bureau of Planning, Engineering Services and Watershed Division.

70. Trash Capture Devices

Requirement: Plans shall be submitted for review and approval by the Director of Public Works or his/her designee that show a full trash capture device installed at all private storm drain inlets or catch basins located on the property and on the public storm drain inlets in adjacent right of way area(s) – as applicable. The plans shall show the design of the device and must meet requirements of the Regional Water Quality Control Board for full trash capture. The applicant shall install these devices according to the approved plans.

When Required: Plans shall be approved prior to approval of any construction-related permit. Installation shall be completed prior to issuance of certificate of occupancy or final permit approval.

Initial Approval: City Engineer or Designee

Monitoring/Inspection: Owner of private storm drain must maintain the full trash capture device in accordance with the requirements in the Municipal Regional NPDES Permits. Records of Inspections and maintenance must be made available to the City upon request. Upon pre-approval of the City, project applicant may pay an annual fee to maintain devices installed in the public right-of-way.

71. Stormwater Treatment Devices***Prior to issuance of a building permit***

In the event the stormwater pollution prevention control devices shown on the approved vesting tentative map do not qualify as FTC devices prior to approval of the first Final Map submittal or issuance of related construction permits, the design for stormwater pollution prevention control devices must meet C.3 requirements and include separate trash capture devices. All storm drainage improvements shall be designed and constructed to meet C.3 requirements to the satisfaction of the City Engineer. To “qualify” as FTC devices, the device design must receive approval from the Water Board.

Tree Permit**72. Tree Permit (T1500124) and Removal by Phase*****Prior to issuance of building permits***

A Tree Removal/Preservation permit application shall be approved by the Tree Services Division for removal or preservation of all protected trees on the site and adjacent properties. The applicant shall abide by all Conditions of Approval of that permit. Tree removal shall only occur with the development of each phase of the project.

73. Tree Relocation***Prior to issuance of a grading permit***

The applicant shall retain a qualified arborist to survey the project site and identify 20 mature oak trees that shall be transplanted. The arborist shall submit a report for review and approval that includes the following information: trees to be relocated, removal procedures, storage area for the trees, watering and care during the timeframe that the trees are out of the ground, transplant procedures, and care and timeframe of care to ensure the tree survival. The arborist report shall be submitted to the Bureau of Planning for review and approval. The trees shall be located in the Village Center, around Club Knoll and at the main entrances.

Other**74. Pre-Construction Meeting with the City*****Prior to issuance of a grading, demolition, or building permit***

A pre-construction meeting shall be held with job inspectors and the general contractor/on-site project manager with the City’s project building coordinator to conform that conditions of approval that must be completed prior to issuance of a grading, demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.) The project applicant will coordinate and schedule this meeting.

75. Transportation and Parking Demand Management

The Project applicant has submitted a final master Transportation and Parking Demand Management (TDM) Plan. The subsequent merchant builders and successor’s will submit a final plan noting the specific TDM measures, implement the plan and achieve the required twenty percent (20%) vehicle traffic reduction (VTR) and reduced parking demand generated by the project. The TDM Plan indicates the estimated VTR for each identified strategy based on published research or guidelines where feasible.

76. Native American Tribal Monitor

During creek grading

At least seven days before ground-disturbing activities in the creek corridor are scheduled to begin, one tribal monitor of the choosing of the tribes that have expressed interest in the Project shall be invited to monitor such ground-disturbing activities, and shall be afforded the opportunity to monitor such activities if the tribal monitor chooses to be present. If there is a change in the construction schedule or an unscheduled need to undertake a ground-disturbing activity in the creek corridor, the tribal monitor shall be notified as soon as feasible.

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