

Case File Number: REV190025

January 15, 2020

Location:	Fruitvale Transit Village (Phase 2) 3611 E. 12 th St. Block bounded by 35 th and 37 th Avenues, East 12 th Street and BART tracks. APN 033-2177-02-102
Proposal:	Revision to PUD F01 Fruitvale Transit Village Phase IIA, a 94-unit Affordable Housing Project, to modify Standard Condition of Approval #60(b) pertaining to off-site railroad crossing improvements.
Applicant:	East Bay Asian Local Development Corporation
Phone Number:	510-287-5353
Owner:	City of Oakland
Case File Number:	REV190025
Planning Permits Required:	Revision to an existing condition of approval
General Plan:	Neighborhood Center Mixed Use
Zoning:	S-15 (Transit Oriented Development Zone)
Environmental Determination:	An Environmental Impact Report (EIR) was certified June 10, 2010.
Historic Status:	N/A
Service Delivery District:	4
City Council District:	5
Status:	Planning Commission approval on June 10, 2010 Case File No. PUDF01/ER08-0005 (Fruitvale Transit Village Phase IIA) The project is constructed and has a temporary occupancy permit.
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact project planner Rebecca Lind at (510) 238-3472 or by email: rlind@oaklandca.gov.com .

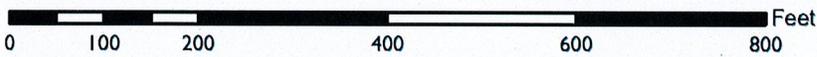
SUMMARY

The proposal before the Planning Commission is a revision to the Conditions of Approval for the Fruitvale Transit Village Phase IIA Development Project. (see Attachment A, Conditions of Approval p. 26). The project is a 94-unit affordable apartment complex recently completed and called "Casa Arabella". The original project approval includes condition of approval #60 requiring cross hatch pavement markings at the Fruitvale and 37th Avenue rail crossings to indicate a "keep clear" zone intended to address public safety. The applicant requests modification of the condition to allow payment of an in-lieu fee instead of implementation of the required hatch pavement markings. The request is being made because the applicant is unable to obtain Union Pacific Rail Road's approval to complete the required work. Oakland Standard Conditions of Approval allow administrative review of minor changes to conditions but require substantive modifications to be approved by the original reviewing authority for the project. In the case of this proposed change to PUDF01, a Planning Commission decision is required.

PROJECT SITE AND SURROUNDING AREA

The area immediately surrounding the project site is developed with a mix of residential, civic and commercial uses. The Fruitvale BART station and tracks are located south of the project site. To the west of the project site is Fruitvale Transit Village Phase I, a three-story complex of civic and commercial uses, which faces onto E. 12th Street. Casa Arabella is located at 37th Ave and E 12th Street.

CITY OF OAKLAND PLANNING COMMISSION



Case File: REV190025
Applicant: East Bay Asian Local Development Corporation
Address: 3611 E 12th St
Zone: S-15
Height Area: 90 ft

PROJECT BACKGROUND

The Fruitvale Transit Village Development is part of a two phase Planned Unit Development originally approved by the Planning Commission on June 10, 2010, Case File No. PUD08186/ER08-0005. The Final Development Plan for Phase IIA, the Casa Arabella project, was approved by the Planning Commission May 6, 2015, Case File No. PUDF01.

The original condition of approval required two off-site improvements related to the Fruitvale and 37th Avenue Union Pacific Rail Road (UPRR) crossings rail crossings. Safety concerns were identified in the EIR in a response to comments from California Public Utilities Commission (CPUC). The rail crossing issue was determined to have a less-than-significant impact on safety, and a CEQA mitigation measure was not required. However, the traffic study prepared for the CEQA analysis included improvement measures suggested by the CPUC that the City, CPUC, Amtrak and other train operators could consider, potentially improving crossing safety. City staff incorporated some of these measures into the project specific conditions of approval and anticipated that the project would be responsible for its fair share of a larger grouping of potential improvements¹.

Condition 60 Rail Crossing Improvements in the Project Vicinity

Prior to issuance of a demolition, grading or building permit

The Applicant shall submit Public Improvement Plans to the Transportation Services Division (TSD) committing to the installation of the following rail crossing safety improvements in the project vicinity. On behalf of the Applicant, TSD will coordinate with the Public Utilities Commission, rail authority, and others as needed to facilitate the installation of the improvements.

1. Median channelization/separation treatment on Fruitvale Avenue approaching the rail crossing. *Bollard/plastic curbing discourages vehicles from driving around the automated crossing arm gate. Install the bollard along the centerline on Fruitvale Avenue approaching the rail crossing in both directions. Phase IIB shall implement this condition.*

2. Cross hatch pavement marking at Fruitvale and 37th Avenue rail crossings like hatch pavement marking at intersections to indicate a “keep clear” zone. *Install cross hatch pavement marking between two and six feet outside the rail at both identified crossings. The Phase II A shall install above improvements prior to the issuance of the first certificate of occupancy.*

In 2018, the condition was administratively modified to specify that the developer of the Fruitvale Phase IIB project would implement Condition 60.1 and the developer of Fruitvale Phase IIA would install Condition 60.2, the cross-hatch pavement markings, prior to the issuance of the first certificate of occupancy.

¹ Response to Comments and Final Environmental Impact Report, SCH No 2008122089 pgs. 5-8 through 5-11

PROPOSED REVISION

The East Bay Asian Leadership Development Corporation (EBALC) is requesting the proposed revision because they have been unable to obtain UPRR's approval to complete the required work. (see Attachment B, Letter of Request). The applicant needs to satisfy the condition of approval to obtain an occupancy permit for the Casa Arabella project.

EBALC worked with City staff and representatives from the railroad to satisfy the condition but was unable to gain approval to work in the UPRR right of way. Staff from the Oakland Department of Transportation (DOT) advised that the UPRR identified a larger bundle of desired intersection improvements. UPRR also requested confirmation of a queuing issue at 37th St. In August 2019, an updated analysis by Kittleson and Associates was provided which confirmed queuing conditions at the 37th Avenue at grade rail crossing and documented the need for the paving striping (See Attachment C, Technical Memorandum). UPRR has not responded to either Oakland DOT or applicant follow-up requests on these issues (see Attachment D, email from DOT staff). EBALC requests that the condition be modified to allow an in-lieu payment of \$12,000 which is based on the cost of work for completing the striping of both the Fruitvale Avenue crossing and the 37th Avenue crossing plus a 10% contingency (see Attachment E, Cost Estimate). The in-lieu fee would continue to allow the project to contribute its fair share towards the installation of needed improvements and would allow the project to proceed while the City and UPRR continue to pursue additional improvements.

The Findings adopted by the Planning Commission for **PUDF01/ER08-0005** included required finding 17.140.080.C. ***That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.*** The Commission adopted the finding that: *"The project will be required as a condition of approval and through the Mitigation Measures of the EIR to make transportation-related improvements to the local street network. Vehicular access to the project has been designed to occur along 35th and 37th Avenues to minimize traffic impacts to East 12th Street and to ensure safe ingress and egress to the project site. A traffic impact study was completed for the project and is included as Appendix E to the Draft EIR"*

Modifying Condition of Approval #60.2 to allow payment of an in-lieu fee requires no change to this finding since the project is still contributing its fair share toward transportation related improvements.

Staff recommends that Project Specific Condition of Approval #60.2 be amended to read:

60. 2. In-lieu fee for Rail Crossing Improvements

The Applicant for Phase II A shall pay an in-lieu fee to the City of Oakland equivalent to the cost, plus a 10% contingency, of providing cross hatch pavement marking between two and six feet outside the rail at the Union

Pacific Rail Road crossings at Fruitvale Boulevard and the 37th Avenue. The amount of the in-lieu fee shall be determined by the Department of Transportation (DOT), as successor to the Transportation Services Division. The in-lieu fee shall be paid prior to the issuance of the first certificate of occupancy for development of Phase IIA.

The in-lieu fee shall be used by DOT towards the installation of safety improvements to the Union Pacific Rail Road crossings at Fruitvale Avenue crossing and the 37th Avenue crossing as determined to be appropriate by the City of Oakland and the Union Pacific Rail Road.

RECOMMENDATIONS:

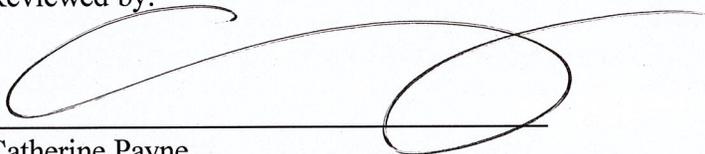
1. Affirm the determination that there is no additional finding required.
2. Approve REV190025 to revise the language for Condition #60.2 to allow payment of an in-lieu fee instead of implementation of the required hatch pavement markings at the Fruitvale Blvd and 37th Avenue railroad crossings.

Prepared by:



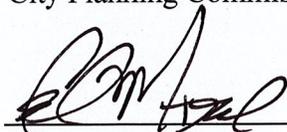
Rebecca Lind
Planner III

Reviewed by:



Catherine Payne
Acting Development Planning Manager

Approved for forwarding to the
City Planning Commission:



ED MANASSE, Deputy Director,
Bureau of Planning

ATTACHMENTS:

- A. Amended Conditions of Approval January 15, 2020.
- B. Letter requesting Modification of Condition 60 to the Conditions of Approval for Fruitvale Transit Village PUDF01/ER08-0005 and email attachments.
- C. Memorandum for Kittleson and Associates August 29,2019.
- D. Email from Oakland Department of Transportation staff.

ATTACHMENT A

CONDITIONS OF APPROVAL

STANDARD CONDITIONS OF APPROVAL Amended December 15, 2017, November 28, 2018, and January 15, 2020

1. Approved Use

Ongoing

a) The project shall generally conform to the application materials submitted as follows unless modified by the Conditions of Approval contained herein:

1. **Project Plan Set** (prepared by SVA Architects) issued 10/03/18; received 11/05/2018
2. **Project Plan Set** (prepared by Pyatok Architects) dated February 13, 2015.
- 3.. **Parcel Map Waiver Planning Case File PLN16279**, Approved February 7, 2017.
The Parcel Map Waiver recorded 4/28/2017 Document 2017095163 and Lot Line Adjustment recorded 4/28/2017 Document 2017095163 prepared by Moran Engineering. The **Parcel Map Waiver** replaces the prior approved **Tentative Tract Map 8038** (prepared by BKF Engineers) dated February 5, 2010 A Final Map is no longer required for this project.

- 4.. **Fruitvale Transit Village (Phase 2) Residential Project Design Guidelines** (prepared by HKIT Architects) dated April 23, 2010 and as amended May 19, 2010.

Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:

1. Approval of a **Planned Unit Development (PUD) Preliminary Development Plan**, under OMC Chapters 17.140 and 17.142.
2. Approval of a **Conditional Use Permit (CUP)**, under OMC Chapter 17.134
3. Approval of a **Tentative Tract Map** for condominium purposes under OMC Chapter 16.08 This approval is superseded by a Parcel Map Waiver approved February 7, 2017 and a Final Map is no longer applicable. Approval of a **Final Planned Unit Development (PUDF) Final Development Plan**, under OMC Chapters 17.140 and 17.142.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

a) Unless a different termination date is prescribed, this Approval shall expire **two years** from the approval date, unless within such period an application for Design Review and Planned Unit Development (PUD) Final Development Plan approval has been submitted to the City of Oakland. Review and approval of Design Review and Planned Unit Development (PUD) Final Development Plan is required before any buildings may be constructed or any

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of the uses commence. Upon written request, and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body.

- b) A Planned Unit Development (PUD) Final Development Plan (FDP) submittal may be for all four phases of the project at once, or the FDP submittals may be for one or more phase at a time. If the FDP applications are submitted separately, the applications will need to be received no more than one year apart and all FDP/Final Design Review applications will need to be received within **five years** from the approval date of this application. Upon written request, and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body.
- c) The approval of Tentative Tract Map 8038 shall expire **two years** from the approval date, the effective date of its granting, unless the applicant files a Final Map with the City Engineer. Failure to file a Final Map within this time limit shall nullify the previous approval or conditional approval of the Tentative Tract Map. The Applicant may file one or more Final Maps for the project. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant an extension of this permit, and up to two subsequent extensions upon receipt of a subsequent written request and payment of appropriate fees received no later than the expiration date of the previous extension.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements (Also listed as SCA PUB-1 in the SCAMMRP)

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

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- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions/ Mitigation Measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions/ Mitigation Measures if it is found that there is violation of any of the Conditions/ Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions/Mitigation Measures

Ongoing

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

7. Indemnification

Ongoing

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

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8. Compliance with Conditions of Approval

Ongoing

- a) The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and adopted mitigation measures set forth below at its sole cost and expense, and subject to the review and approval of the City of Oakland.
- b) For purposes of these conditions of approval, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
- c) The project Applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and mitigation, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Required Landscape Plan for New Construction

At the time of Design Review/Final Development Plan application

Submittal and approval of a landscape plan for each stage of the project will be required. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

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- a) Landscape plans shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for each FDP/Design Review application shall show how the remainder of the site is being landscaped until that phase is developed. For instance, if the Applicant submits an FDP/Design Review application for Phase 1 of the PDP only, the Landscape plans for Phase 1 shall show the landscaping of the Phase 1 portion of the site as well as demonstrate how the remainder of the site will be landscaped until the future phases of the project are built out.
- c) Landscape plans shall incorporate pest-resistant and drought-tolerant landscaping practices. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a cash bond letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such a bond, cash, deposit or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

15. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

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16. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

17. Improvements in the Public Right-of-Way (General)

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

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

18. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division and Engineering Services Division shall include the following:

- a) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- b) Reconstruct drainage facility to current City standard as needed.
- c) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- d) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards at all pedestrian access points along the portions of project

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- frontage fronting each phase of development on E. 12th Street, and 37th Street for Phase IIA, and on E 12th Street and 35th Avenue for Phase IIB.
- e) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage along each phase of development on E. 12th Street, and 37th Street for Phase IIA and on E 12th Street and 35th Avenue for Phase IIB as shown on *Site Improvement Conditions of Approval* Exhibit by Pyatok Architects
 - f) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.
 - g) For Phase IIB install a new pedestrian crosswalk across 35th Avenue at the northwest corner of the project site, connecting the project site to the BART station across 35th. The details of the crosswalk design shall be shown in the Final Development Plan submittal for Phase IIB. as shown on Site Improvement Conditions of Approval Exhibit by Pyatok Architects
 - h) Install improvements along East 12th Street between 35th and 37th Avenues on both sides of the street. Each phase of the project shall be responsible for the frontage abutting its portion of East 12th Street and for the frontage on the opposite side of the street. as shown on Site Improvement Conditions of Approval Exhibit by Pyatok Architects
 - i) Improvements shall include the installation of street trees and tree grates, repairs to the existing sidewalk, and landscape enhancements.
 - j) Install rail crossing improvements as specified in Condition no. 60
 - k) Install additional improvements as specified in Condition no. 59.

19. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

20. Compliance Matrix

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

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

21. Construction Management Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval and mitigation measures related to construction impacts of the project

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and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.

22. Parking and Transportation Demand Management (also listed in the SCAMMRP)

Prior to issuance of a final inspection of the building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

- a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects
- c) Signage and striping onsite to encourage bike safety
- d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
- e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- f) Direct transit sales or subsidized transit passes
- g) Guaranteed ride home program
- h) Pre-tax commuter benefits (checks)
- i) On-site car-sharing program (such as City Car Share, Zip Car, etc.)
- j) On-site carpooling program
- k) Distribution of information concerning alternative transportation options
- l) Parking spaces sold/leased separately
- m) Parking management strategies; including attendant/valet parking and shared parking spaces

23. Dust Control (also listed as "SCA AIR-1" in the SCAMMRP)

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

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- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- f) Limit the amount of the disturbed area at any one time, where feasible.
- g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- i) Replant vegetation in disturbed areas as quickly as feasible.
- j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Limit traffic speeds on unpaved roads to 15 miles per hour.
- l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

24. Construction Emissions (Also listed as "SCA AIR-2" in the SCAMMRP)

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low-NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

25. Days/Hours of Construction Operation (Also listed as "SCA NOI-1" in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration

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of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

26. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation

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barriers, or use other measures as determined by the City to provide equivalent noise reduction.

- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

27. Noise Complaint Procedures (Also listed as “SCA NOI-3” in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

28. Interior Noise (Also listed as “SCA NOI-4” in the SCAMMRP)

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland’s General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

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- c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b. Prohibition of Z-duct construction.

29. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

30. Construction Traffic and Parking (also listed in the SCAMMRP)

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces on East 12th Street.

- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

31. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. 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.

32. Phase I and/or Phase II Reports

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

If the project site is listed in City records as containing hazardous materials or if the site has been identified on the State Cortese List, prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report. A Phase II report shall also be prepared if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

33. Environmental Site Assessment Reports Remediation (also listed as SCA HAZ-2 in the SCAMMRP)

- a) Soil beneath the site has been impacted from past site uses that included an auto sales yard, and radiator and plastic fabrication shops. The soil contaminates include chromium, diesel and motor oil. The soil contamination is minor and does not appear to pose a significant

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risk to future site occupants. The groundwater contamination is a part of an off-site plume which is being actively remediated, and therefore is expected to decrease in the future. The magnetometer survey did not confirm the presence of suspected Underground Storage Tanks (USTs) at the site. The soil gas investigation results indicated that the fuel hydrocarbons are not present in soil gas beneath the subject site, therefore there is no risk from vapor volatilization to indoor air in future site buildings. The RAP including the soil and groundwater management plan will be submitted for the Board approval prior to site reconstruction field activities. The applicant shall notify the Regional Board prior to site reconstruction field activities and include soil and groundwater Management Plans.

- b) Prior to issuance of a demolition, grading, or building permit
- c) If the environmental site assessment reports recommend remedial action, the project applicant shall:
 1. Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
 2. Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
 3. Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

34. Hazards Best Management Practices (also listed as SCA HAZ-1 in the SCAMMRP)

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

35. Waste Reduction and Recycling (also listed as SCA UTIL-2 in the SCAMMRP)

At the time of submittal of a Final Development Plan and/or Design Review for the whole project or a portion thereof

The Applicant shall demonstrate how the project will provide recycling facilities sufficient to meet the requirements of the Oakland Municipal Code.

Prior to issuance of demolition, grading, or building permit

The Applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP). Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The Applicant will submit an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

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

Ongoing

All mitigation measures identified in the Fruitvale Transit Village (Phase 2) EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and incorporated herein by reference. The Standard Conditions of Approval identified in the Fruitvale Transit Village (Phase 2) EIR are also included in the SCAMMRP. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

37. Vibration (Also listed as "SCA NOI-6" in the SCAMMRP)

Prior to issuance of a building permit

A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing groundborne vibration at the project site. If required in order to reduce groundborne vibration to acceptable levels, the project applicant shall incorporate special building methods to reduce groundborne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following:

- a) Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.
- b) Trenching, which involves excavating soil between the railway/freeway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets (i.e., Styrofoam) or low-density polyethylene).

38. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

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To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project Applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

39. Lighting Plan (Also listed as "SCA AES-1" in the SCAMMRP)

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

40. Asbestos Removal in Structures (Also listed as "SCA AIR-4" in the SCAMMRP)

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified

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ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

41. Tree Removal Permit (Also listed as "SCA BIO-2" in the SCAMMRP)

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

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

42. Tree Removal During Breeding Season (Also listed as "SCA BIO-1" in the SCAMMRP)

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

43. Tree Replacement Plantings (Also listed as "SCA BIO-3" in the SCAMMRP)

The Landscape Plan(s) submitted at the Design Review/Final Development Plan stage shall reflect the requirements below. Project landscaping that reflects the required tree replanting standards shall be installed prior to the issuance of a Certificate of Occupancy for any given phase of the project.

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California

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- Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
 - d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
 - e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
 - f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project Applicant's expense.

44. Archaeological Resources (Also listed as "SCA CUL-1" in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or

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unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

45. Human Remains (Also listed as “SCA CUL-3” in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

46. Paleontological Resources (Also listed as “SCA CUL-2” in the SCAMMRP)

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

47. Fire Safety Phasing Plan

Prior to issuance of a demolition, grading or building permit

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

48. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

49. Erosion and Sedimentation Control Plan (also listed as SCA HYD-3 in the SCAMMRP)

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

50. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

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The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

51. Post-Construction Stormwater Management Plan (also listed as SCA HYD-1 in the SCAMMRP)

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a. The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b. The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment

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measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

52. Maintenance Agreement for Stormwater Treatment Measures (also listed as SCA HYD-2 in the SCAMMRP)

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

53. Stormwater and Sewer (also listed as SCA HYD-4 in the SCAMMRP)

Prior to completing the final design for the project's sewer service

- a) Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum

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extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

- b) Construction over the common sewer and within the sewer easement is not permitted.
- c) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

54. Regulatory Permits and Authorizations

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

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

55. Structures within a Floodplain

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

- a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event.
- b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

56. Components of Final Development Plan(s).

Prior to the approval of any Final Development Plan application

In accordance with the Planning Code Chapter 17.140, each FDP shall:

- a) Conform to all major respects with the approved Preliminary Development Plan prepared by HKIT Architects, dated April 23, 2010, and included as Attachment A to the Project Staff Report dated May 19, 2010;
- b) Comply with development standards of the S-15 Zone, except as modified to allow one parking space per dwelling unit as permitted by the Conditional Use Permit approved herein;
- c) Be consistent with the Fruitvale Transit Village (Phase 2) Design Guidelines, dated April 23, 2010 and as amended May 19, 2010 and included Attachment B to the Project Staff Report dated May 19, 2010;
- d) Include all information included in the Preliminary Development Plan plus the following:
 1. The location of water, sewerage, and drainage facilities;
 2. Detailed building floor plans, elevations and landscaping plans;
 3. The character and location of signs;
 4. Plans for street improvements; and
 5. Grading or earth-moving plans.

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- e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the buildings; and
- f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of CC&Rs, for the establishment of a homeowners association, or for performance bonds, and they shall be submitted with each Final Development Plan.

57. Final Development Plan and Design Review

The final site design and building elevations shall:

- a) Provide adequate screening of all rooftop utilities.
- b) Show interim building and site conditions. Building elevations for each FDP/Design Review application shall show how the building and site will look if the other building(s) are not constructed at the same time. For instance, if the Applicant submits an FDP/Design Review application for Phase 2 only of the PDP, the building elevations and site plan for Phase 2 shall show what the building and site will look like in its interim condition until the adjacent building (Phase 3) is constructed.
- c) Be subject to review and recommendation by the Planning Commission's Design Review Committee and review and approval by the Planning Commission.

58. Bicycle Parking

At the time of Design Review/Final Development Plan application

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities, the design and location of bicycle racks, and secure bicycle storage areas to serve the project.

59. Provision of Parking Spaces for Fruitvale Village (Phase I)

Thirty (30) off site parking spaces for the dedicated use of the Fruitvale Transit Village (Phase 1) shall be negotiated by the Unity Council and La Clinica in an offsite location on 37th St as required by the Planning Commission action amending condition #59 on May 6, 2015 to approve reduction of additional required parking for the Phase I development.

60. Rail Crossing Improvements in the Project Vicinity

Prior to issuance of a demolition, grading or building permit

The Applicant shall submit Public Improvement Plans to the Transportation Services Division (TSD) committing to the installation of the following rail crossing safety improvements in the project vicinity. On behalf of the Applicant, TSD will coordinate with the Public Utilities Commission, rail authority, and others as needed to facilitate the installation of the improvements.

1. Median channelization/separation treatment on Fruitvale Avenue approaching the rail crossing. Bollard/plastic curbing discourages vehicles from driving around the automated crossing arm gate. Install the bollard along the centerline on Fruitvale Avenue approaching the rail crossing in both directions. Phase IIB shall implement this condition

2. In-lieu fee for Rail Crossing Improvements

The Applicant for Phase II A shall pay an in-lieu fee to the City of Oakland equivalent to the cost, plus a 10% contingency, of providing cross hatch pavement marking between two and six feet outside the rail at the Union Pacific Rail Road crossings at Fruitvale Avenue and the 37th Avenue. The amount of the in-lieu fee shall be determined by the Department of Transportation (DOT), as successor to the Transportation Services Division.

The in-lieu fee shall be paid prior to the issuance of the first certificate of occupancy for development of Phase IIA.

The in-lieu fee shall be used by DOT towards the installation of safety improvements to the Union Pacific Rail Road crossings at Fruitvale Avenue crossing and the 37th Avenue crossing as determined to be appropriate by the City of Oakland and the Union Pacific Rail Road.

61. Required Easements

- a) Prior to a certificate of occupancy for any of the 275 residential units a 26 footwide Emergency Vehicle Access Easement shall be established along the southern portion of the site, parallel to the BART tracks and connecting 35th and 37th Avenues, pursuant to the 2008 Fire Code provisions for increased right-of-way access. This entire roadway shall be constructed prior to a certificate of occupancy for Phase IIA. This Emergency Access Easement and roadway design shall be reviewed and approved by the City Engineer.
- b) The Site Plan for Phase IIB shall show a 10 foot wide sidewalk (with 8 feet wide clear passageway) on 35th Avenue adjacent to the project site, not 8 feet as is currently shown, pursuant to the City's Pedestrian Master Plan and as warranted by the project's transit-oriented location.
- c) Prior to construction permits and no later than a certificate of occupancy, a site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division.

62. Specific City Surveyor Requirements.

- a) Standard City of Oakland monuments shall be installed as per the requirements of the City Surveyor.
- b) Any portions of the building which extends beyond the property (such as upper story balconies, eaves or fascia), shall be shown on the parcel map as an encroachment. Changes which occur after the recordation of the map but which create such encroachments shall require an amended map be filed in order to provide clear notice to third party purchasers that such a portion of the structure is not within the boundary of the property.

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Any emergency vehicle access easement shall be fully described in a grant of easement with. It shall be designated as a no parking area and the City of Oakland shall be given a third party interest in the easement with the right of enforcement of parking issue.

- c) Prior to issuance of construction permits and no later than issuance of a certificate of occupancy City of Oakland Monuments shall be established or confirmed to the satisfaction of the City Engineer to accurately exist at each of the bounding intersections:
1. San Leandro/ 35th Ave
 2. San Leandro /37th Ave
 3. East 12th Street / 37th Ave
 4. East 12th Street / 36th Ave
 5. East 12th Street / 35th Ave.

These monuments will be shown with ties to adjacent monuments and to the adjacent (new/existing) boundary lines. Monuments shall be constructed to City Standards and shall become City Monuments upon acceptance by the City Engineer or City Surveyor.

All monuments shall be installed and completed prior to the occupancy of ANY lot in this subdivision, regardless of sequencing or staged development. At least two of these monuments shall have an elevation established (based upon City of Oakland Datum) upon the surface of the monument disk. All relevant information shall be provided to the City Surveyor.

63. Engineering Requirements

The following items will be required prior to issuance of construction permits and no later than issuance of a certificate of occupancy:

- a) An application for review shall be made and all fees paid prior to any other application with City of Oakland Building Services.
- b) Show location of existing and proposed drainage, sanitary sewer, water supply, and other utility facilities for each lot to the satisfaction of the City Engineer.
- c) Existing utilities and their associated easements lie within the project site. It appears that these utilities will have to be relocated from the project site and the easements vacated. Note that building structures cannot be located within any City utility easement. The City believes that the underground 12kv line has similar restrictions.
- d) The proposed storm drain system shown on the map shall be designed and constructed to City standards. The proposed project may increase storm drain sewer flows beyond the capacity of the existing storm drain sewer system. Sanitary sewer impact fees may be owed. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit
- e) If buildings along the southern boundary of the project will be greater than 30-feet in height, the applicant shall provide a 26-foot wide emergency access easement along the entire southern boundary. If the Applicant is proposing to utilize a portion of BART property for this easement, BART shall sign the applicable documents.

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- f) Emergency vehicles utilizing the emergency access easement along the southern boundary may encroach on the clearance zone for the BART trains. The applicant shall obtain BART approval for any facilities built on BART property and for any uses of the air space within BART property.
- g) Show location, purpose, and width of all existing and proposed easements.
- h) There are existing bus stops within the vicinity of the project. If bus stops are proposed for relocation or otherwise to be affected by the project, please provide documentation that the project has been coordinated with AC Transit. Documentation shall include discussion and approval of bus stop locations and the need for improvements for bus stops.
- i) Note that the property lies within a seismic hazard zone with earthquake-induced liquefaction potential. A soils report may be required. If required, submit geotechnical reports meeting the guidelines of Special Publication 117 prepared by a licensed civil engineer or a registered engineering geologist to the City for review when applying for permits. A statement acknowledging the above shall be placed on the parcel map. Add a statement to the Map that says "This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE - Liquefaction Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property."
- j) The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Sanitary sewer impact fees may be owed. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.
- k) Coordinate the project with the City of Oakland Fire Department. The applicant shall obtain approval from the Fire Department prior to approval of the Final Map(s).
- l) The existing traffic signals and stop signs in the vicinity of the project may require improvements to support the proposed traffic. Coordinate with the Traffic Engineering Department of PWA. Obtain approval for traffic signal modification/replacement from the City.
- m) Obtain approval for driveway locations and proposed traffic movements from PWA prior to obtaining Grading, Demolition, or P-job permits.
- n) Street, curb, gutter, sidewalk, sewer, undergrounding of overhead utilities and other improvements are required along the frontage of the project to the centerline of the public right-of-way.
- o) Major and Minor Encroachment Permits shall be obtained prior to the issuance of Grading, Demolition, or P-job permits.
- p) Obstruction permits for parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits. New parking meter locations and/or relocation of existing meters shall be approved by the City prior to removal of any existing meters.
- q) Copies of utility agreements regarding relocation shall be provided to the City prior to issuance of any permits.
- r) Obtain approval from the City for the location of any joint trench and utility box locations.

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- s) Shoring and/or tie-backs if used in construction may require Major Encroachment Permits.
- t) Utility vaults may require Major Encroachment permits.
- u) Show any proposed dedications or vacations to the satisfaction of the City Engineer.
- v) Obtain approval from the City for any installation, removal and/or relocation of street lights from the City.
- w) New sidewalks and wheelchair ramps shall conform to City of Oakland standards.
- x) Driveways openings and vehicular access shall conform to City of Oakland Standard Plans.
- y) Improvements within the public right-of-way may be a part of this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed as required by the City Engineer. Improvements shall be designed to City standards.
- z) The project lies within a FEMA designated Flood Zone. Please state the Flood Zone designation.

64. Water Conservation

Ongoing throughout demolition, grading, construction and/or operation

The Applicant shall, where feasible, use recycled/reclaimed water and promote water conservation practices, including without limitation, the use of drought tolerant landscaping practices.

APPROVED BY:

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

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project PUDF08/ER01.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)



EAST BAY ASIAN LOCAL
DEVELOPMENT CORPORATION

BUILDING HEALTHY, VIBRANT AND SAFE NEIGHBORHOODS

Attachment B



BOARD OF DIRECTORS

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Co-Chair Thai-An Ngo
Vice Chair Sean Sullivan
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Rosalyn Tonal
Joanne Tornatore-Pili
Dianne Woods

October 31, 2019

Re: Request for Modification to Section 60(b) to the Conditions of Approval Fruitvale Transit Village Phase II A and B, PUDF01/ER08-0005, TTM8038 3607 36th Avenue

To whom it may concern:

As you are aware, 60(b) of the Conditions of Approval requires us to complete striping at Fruitvale Avenue and 37th Avenue crossings. Due to the inability to gain Union Pacific Railroad approval and exorbitant insurance costs, we are requesting to pay an in-lieu fee equal to the value of the work.

We first sought approval to complete these pavement markings in February 2019. We have been pursuing approval with City engineering/transportation staff, CPUC, and Union Pacific Railroad ("UPRR") consistently since then. UPRR's approval is needed to complete the work at the striping as it is in their right of way.

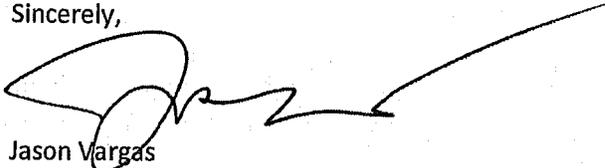
We met with Peggy Ygbuhay from UPRR, Philip Ho with the City of Oakland, and Felix Ko from CPUC on-site at the intersection on July 15, 2019. At the meeting, UPRR said that the proposed striping required in Condition 60(b) is not appropriate as it is typically used to prevent queuing across the tracks; queuing is not a serious concern at the 37th Avenue intersection. Felix Co of CPUC followed up with the attached email [Exhibit A] confirming that the proposed striping is inappropriate for the intersection and requesting an additional traffic study. We then commissioned Kittelson to perform the study and issued the attached report [Exhibit B]. Even after this submission, UPRR has refused to issue a determination and sign off on the work for the 37th Avenue crossing. Attached is an email from Philip Ho from Transportation saying they are officially putting down pursuing this approval with UPRR and will not be working on it anymore [Exhibit C]. Without UPRR's approval, we cannot perform striping for the 37th Avenue crossing.

Furthermore, we have solicited several striping contractors to complete the work at Fruitvale Avenue. The insurance limits required by UPRR are beyond what any of the contractors have, resulting in declines to bid from all but one contractor. That contractor quoted \$5,440 for the striping, and \$27,600 for insurance alone [Exhibit D]. This insurance cost represents over five times the cost of the actual striping. As explained by Ellen Ellsworth, City of Oakland Engineering Services, the City of Oakland typically installs striping in the UPRR right of way, and already carries the required insurance. The cost of the City of Oakland completing the striping would be about one fifth of what it would cost us to hire a third-party contractor.

The purpose of this letter is to request that Condition 60(b) be changed to allow the payment of an in-lieu fee which is nonrefundable and can be used by the City of Oakland at any time. We are proposing an in-lieu fee payment of \$12,000, which represents the cost of the work for completing the striping at the Fruitvale Avenue crossing and the 37th Avenue crossing plus a 10% contingency.

We thank you for considering our request, as we look to complete our building and move-in about 300 residents in the next 30 days.

Sincerely,



Jason Vargas
Director of Real Estate Development
East Bay Asian Local Development Corporation



Liz Probst
Senior Project Manager
East Bay Asian Local Development Corporation



Marie Maniscalco
Assistant Project Manager
East Bay Asian Local Development Corporation

Marie Maniscalco

From: Ko, Felix <felix.ko@cpuc.ca.gov>
Sent: Friday, July 19, 2019 5:36 PM
To: Marie Maniscalco
Cc: pho@oaklandca.gov; Peggy J. Ygbuhay (pygbuhay@up.com)
Subject: RE: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

From the meeting we discussed how the proposed striping is not appropriate for the 37th Ave crossing unless a traffic study showed a queuing issue at the crossing. The crossing has many other issues which must be addressed with the GO 88-B. I also did not get the impression UP would concur with a GO 88-B only for striping but ignoring all the other issues at the crossing. UP concurrence is required and was not included in the May submittal.

Felix Ko, P.E.
Senior Utilities Engineer
Safety and Enforcement Division
Rail Crossings & Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102
(415) 703-3722

From: Marie Maniscalco [mailto:mmaniscalco@ebaldc.org]
Sent: Friday, July 19, 2019 3:10 PM
To: Ko, Felix
Cc: pho@oaklandca.gov
Subject: RE: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

Hi Felix,

Hope your week has been good.

I'm following up on the approval of the GO 88-B for the striping at 37th Avenue. I know that this is a minimal part of a larger improvement plan to be taken on by the City of Oakland, and hope that there is no issue with us completing the striping as required in our conditions of approval (attached here for reference).

Would you please provide approval for the striping as attached via the GO 88-B?

Of course, happy to hop on a call any time to discuss.

Thank you,

Marie Maniscalco
Assistant Project Manager, Real Estate Development
East Bay Asian Local Development Corporation
1825 San Pablo Ave., Suite 200, Oakland, CA 94612
DIRECT (510) 606-1781 CELL (415) 866-0990
EMAIL mmaniscalco@ebaldc.org



EAST BAY ASIAN LOCAL
DEVELOPMENT CORPORATION

BUILDING HEALTHY, VIBRANT AND SAFE NEIGHBORHOODS

From: Marie Maniscalco
Sent: Tuesday, June 25, 2019 5:00 PM
To: Ko, Felix <felix.ko@cpuc.ca.gov>; Ho, Philip <PHo@oaklandca.gov>
Cc: Peggy J. Ygbuhay <pygbuhay@up.com>
Subject: Re: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

That works for me too.

Marie Maniscalco

Assistant Project Manager, Real Estate Development

East Bay Asian Local Development Corporation

1825 San Pablo Ave., Suite 200, Oakland, CA 94612

DIRECT (510) 606-1781 CELL (415) 866-0990

EMAIL mmaniscalco@ebaldc.org WEB www.ebaldc.org



EAST BAY ASIAN LOCAL
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From: Ko, Felix <felix.ko@cpuc.ca.gov>
Sent: Tuesday, June 25, 2019 4:57 PM
To: Ho, Philip
Cc: Marie Maniscalco; Peggy J. Ygbuhay
Subject: Re: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

July 15 at 8 AM works.

Felix Ko
Rail Crossings & Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102

From: Ho, Philip <PHo@oaklandca.gov>
Sent: Tuesday, June 25, 2019 3:29:00 PM
To: Ko, Felix
Cc: Marie Maniscalco; Peggy J. Ygbuhay
Subject: RE: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

Felix:

Please confirm if these time work for you:

July 15 at 8 am
July 19 at 8 am

If not, please indicate your availability (dates and windows of time) on the week of July 22.

Thanks.
Philip Ho, P.E., Transportation Engineer
City of Oakland, DOT, Great Streets, Traffic Capital Projects (TCP)
250 Frank H. Ogawa Plaza, Suite 4344, Oakland, CA 94612
(510) 238-6256 Voice, (510) 238-7415 Fax

From: Peggy J. Ygbuhay [mailto:pygbuhay@up.com]
Sent: Tuesday, June 25, 2019 3:15 PM
To: Ho, Philip <PHo@oaklandca.gov>
Cc: Ko, Felix <felix.ko@cpuc.ca.gov>; Marie Maniscalco <mmaniscalco@ebaldc.org>
Subject: Re: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

July 15 or 19 at 8 am both work for me.

Sent from my iPhone

On Jun 25, 2019, at 10:48 AM, Ho, Philip <PHo@oaklandca.gov> wrote:

***** STOP. EXTERNAL EMAIL. USE CAUTION *****

Peggy: Please send me you availability (dates, windows of times) on the week of 7/15.

Thanks.
Philip Ho, P.E., Transportation Engineer
City of Oakland, DOT, Great Streets, Traffic Capital Projects (TCP)
250 Frank H. Ogawa Plaza, Suite 4344, Oakland, CA 94612
(510) 238-6256 Voice, (510) 238-7415 Fax

From: Ko, Felix [mailto:felix.ko@cpuc.ca.gov]
Sent: Tuesday, June 25, 2019 8:48 AM
To: Ho, Philip <PHo@oaklandca.gov>; Marie Maniscalco <mmaniscalco@ebaldc.org>
Cc: Peggy J. Ygbuhay <pygbuhay@up.com>
Subject: RE: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

I won't be available until the week of 07/15.

Felix Ko, P.E.

Senior Utilities Engineer
Safety and Enforcement Division
Rail Crossings & Engineering Branch
505 Van Ness Ave
San Francisco, CA 94102
(415) 703-3722

From: Ho, Philip [<mailto:PHo@oaklandca.gov>]
Sent: Monday, June 24, 2019 5:10 PM
To: Ko, Felix; Marie Maniscalco
Cc: Peggy J. Ygbuhay
Subject: GO 88-B 37th Ave - Field Diagnostic Meeting, Niles Sub., MP: 10.05, Oakland, DOT: 749702R

Felix and Marie:

I am very sorry. I just got the word from Peggy of UPRR that she is unable to attend the 6/26 field diagnostic meeting due to an unforeseen conflict.

Are you available next Monday July 1st? Let me know what windows of time are OK. If not, please indicate other windows next week.

Thanks.

Philip Ho, P.E., Transportation Engineer
City of Oakland, DOT, Great Streets, Traffic Capital Projects (TCP)
250 Frank H. Ogawa Plaza, Suite 4344, Oakland, CA 94612
(510) 238-6256 Voice, (510) 238-7415 Fax

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DRAFT TECHNICAL MEMORANDUM**Casa Arabella Railroad Crossing Study**

Queuing Data Review

Date:	August 29, 2019	Project #: 24352
To:	Philip Ho, Oakland DOT	
From:	Mike Alston	
cc:	Marie Maniscalco, East Bay Asian Leadership Development Corporation	

Kittelison & Associates, Inc. (Kittelison) is working with the East Bay Asian Leadership Development Corporation to analyze vehicle queueing conditions at an at-grade rail crossing near its Casa Arabella project (Project), along 37th Avenue at East 9th Street. The nature and extent of queueing will help to determine suitable pavement markings required to satisfy the Project's conditions of approval. This draft technical memorandum (memo) summarizes queueing conditions to support the Oakland Department of Transportation (OakDOT) and Union Pacific (UP) in determining the appropriate pavement markings.

Data Collection and Details

Kittelison collected data on Tuesday, August 13, 2019. This day was chosen as a typical midweek day with Oakland Unified School District schools in session. Consistent with analysis periods in the Fruitvale Transit Village Phase 2 Environmental Impact Report, data were collected during the weekday AM peak period (7:00 – 9:00 AM) and the PM peak period (4:00 – 6:00 PM).¹

The video data collection captured the crossing's gate arm activity and the presence of vehicle queues in the northbound and the southbound directions at the crossing. For each queue, the following data attributes were captured:

- Duration of queue
- Maximum number of vehicles queued
- Cause of the queueing

¹ Fruitvale Transit Village Phase 2, Draft Environmental Impact Report, January 2010. Prepared by Environmental Science Associates.

Additional information for each data collection period was collected at the request of OakDOT and is included in Appendix A but is not summarized in this memo. This includes the following information:

- The direction of each crossing train
- Flag and time stamp indicating a queued vehicle has entered the crossing while the gate arm is lifting but before the flashing red lights have stopped
- Flag indicating any time the gate arm lifts and immediately lowers again (including indication of whether a vehicle entered the crossing while the gate arm was lifting)
- Flag indicating the presence of delivery trucks in any queues
- Flag indicating the presence of parked vehicles or trucks within 50 feet of the crossing

Findings

In the AM and PM peak periods, vehicle queueing was present multiple times in both directions. Every instance of the gate arm lowering caused vehicle queueing. As provided in Table 1, queues averaged between 40 and 50 seconds by direction and time period, and between 2 and 7 vehicles in length. The maximum observed queue occurred northbound in the PM peak hour, lasting 91 seconds and extending to 17 vehicle lengths. Figure 1 presents the maximum observed queues by direction.

Table 1: Queue Summary at the 37th Avenue Railroad Crossing

Time Period	Direction	Number of Queues	Average Queue Length (Number of vehicles) ¹	Maximum Queue Length (Number of vehicles)	Average Queue Duration (seconds)	Maximum Queue Duration (seconds)
AM Peak Period (7:00 – 9:00 AM)	NB	4	3	6	47	55
	SB	4	2	4	42	51
PM Peak Period (4:00 – 6:00 PM)	NB	5	7	17	40	91
	SB	3	2	2	44	56

¹ Average queue length rounded up to the nearest whole number.

Source: Kittelson, 2019.

The gate arm lowered four times in each observation period and every time it lowered, vehicle queueing resulted in at least one direction. All vehicle queues were caused by gate arm activity.



Queuing Study
Oakland, California
Figure 1

 - Maximum Observed Queue

AM Peak Period

In the AM peak period, there were four gate arm closures averaging one minute and one second each; all gate arm activity caused vehicle queueing in both directions.² The maximum observed queue was four vehicles in the southbound direction, and six vehicles in the northbound direction. Gate arm closures were the sole cause of queueing in the AM peak period.

Table 2: AM Peak Period Gate Arm Activity and Associated Queueing

Time of Gate Arm Down	Duration (seconds)	Associated Queue Length	Northbound	Associated Southbound Queue Length (number of vehicles)
7:21 AM	51	1	1	1
7:31 AM	41	1	2	2
7:44 AM	51	6	4	4
8:18 AM	25	2	1	1

Source: Kittelson, 2019.

PM Peak Period

In the PM period, there were four gate arm closures averaging one minute and nine seconds each, and all but one caused queueing in both directions. An additional five-second northbound queue was caused by a vehicle stopping in advance of the crossing.³ The maximum observed queue was two vehicles in the southbound direction, and 17 vehicles in the northbound direction.

² The gate arm lowered a fifth time, within the last nine seconds of the data collection period. Any associated queueing, and the timestamp of the gate arm re-raising, was not captured.

³ Data collection notes indicate that the vehicle stopped before a queue in the opposing direction from gate arm activity had cleared.

Table 3: AM Peak Period Gate Arm Activity and Associated Queueing

Time of Gate Arm Down	Duration (seconds)	Associated Queue Length	Northbound	Associated Southbound Queue Length (number of vehicles)
4:19 PM	52	8		2
4:20 PM	64	2		2
5:16 PM	55	4		-
5:39 PM	106	17		2

Source: Kittelson, 2019.

Conclusion

Based on data collection at the 37th Avenue at-grade rail crossing in both the weekday AM and PM peak periods, vehicle queueing does occur in both approach directions. Observed vehicle queueing is exclusively a result of train crossings and gate arm activity.

As a next step, OakDOT and UP will determine the appropriate pavement markings at this crossing location based on the presence of vehicle queueing in the analysis periods.

Appendix A: Raw Data



Quality Counts

DATA THAT DRIVES COMMUNITIES

Gate Closings		
Gate Close	Gate Open	Direction
7:21:16 AM	7:22:42 AM	EB
7:31:05 AM	7:31:51 AM	EB
7:44:12 AM	7:45:02 AM	WB
8:18:52 AM	8:19:55 AM	EB
8:59:51 AM		

*Arm lowered at end of count

Southbound Queues									
Vehicles	Start	End	Duration	Cause	Premature Entering	Delivery Truck in Queue	Parked Vehicle Within 50' of Track		
1	7:21:45 AM	7:22:36 AM	0:00:51	Gate Close	7:22:36 AM	No	Yes		
2	7:31:05 AM	7:31:46 AM	0:00:41	Gate Close	7:31:44 AM	No	Yes		
4	7:44:15 AM	7:45:06 AM	0:00:51	Gate Close	No	No	Yes		
1	8:19:23 AM	8:19:48 AM	0:00:25	Gate Close	8:19:48 AM	No	Yes		

Northbound Queues									
Vehicles	Start	End	Duration	Cause	Premature Entering	Delivery Truck in Queue	Parked Vehicle Within 50' of Track		
1	7:21:41 AM	7:22:36 AM	0:00:55	Gate Close	7:22:36 AM	No	No		
1	7:31:08 AM	7:31:42 AM	0:00:34	Gate Close	7:31:42 AM	No	No		
6	7:44:14 AM	7:45:04 AM	0:00:50	Gate Close	No	No	No		
2	8:19:00 AM	8:19:49 AM	0:00:49	Gate Close	8:19:48 AM	No	No		



Quality Counts

DATA THAT DRIVES COMMUNITIES

Gate Closings		Train Direction
Gate Close	Gate Open	
4:19:37 PM	4:20:29 PM	WB
4:20:55 PM	4:21:59 PM	None
5:16:36 PM	5:17:31 PM	WB
5:39:40 PM	5:41:26 PM	EB

*No train passed

Southbound Queues										
Vehicles	Start	End	Duration	Cause	Premature Entering	Delivery Truck in Queue	Parked Vehicle within 50' of track			
2	4:19:47 PM	4:20:26 PM	0:00:39	Gate Close	4:20:24 PM	No	Yes			
2	4:21:22 PM	4:21:58 PM	0:00:36	Gate Close	4:21:55 PM	No	Yes			
2	5:40:21 PM	5:41:17 PM	0:00:56	Gate Close	5:41:23 PM	No	Yes			

Northbound Queues										
Vehicles	Start	End	Duration	Cause	Premature Entering	Delivery Truck in Queue	Parked Vehicle within 50' of Track			
8	4:20:14 PM	4:20:28 PM	0:00:14	Gate Close	4:20:28 PM	No	No			
2	4:21:08 PM	4:22:04 PM	0:00:56	Gate Close	4:21:58 PM	No	No			
4	5:16:54 PM	5:17:28 PM	0:00:34	Gate Close	5:17:27 PM	No	Yes			
17	5:39:59 PM	5:41:30 PM	0:01:31	Gate Close	5:41:24 PM	Yes	Yes			
1	5:42:58 PM	5:43:03 PM	0:00:05	Car stopped due to queuing on the other side of the railroad	N/A	No	Yes			

Fruitvale Ave & 37th Ave RR Xings

Ho, Philip <PHo@oaklandca.gov>

Fri 10/4/2019 2:32 PM

To: Marie Maniscalco <mmaniscalco@ebaldc.org>

Cc: Ellsworth, Ellen <EEllsworth@oaklandca.gov>; Kashi, Kevin <kkashi@oaklandca.gov>; Oluwasogo, Ade <AOluwasogo@oaklandca.gov>

Marie:

As we discussed today, I did not receive UP's final approval on the 37th Ave proposed hatch pavement markings, and I am unable to move forward.

I am glad to hear that you are working with Ellen Ellsworth on resolving the "conditions of approval".

Unless I hear otherwise, I consider my PX review of the Fruitvale Ave and 37th Ave RR Xings completed.

Thanks.

Philip Ho, P.E., Transportation Engineer

City of Oakland, DOT, Great Streets, Traffic Capital Projects (TCP)

250 Frank H. Ogawa Plaza, Suite 4344, Oakland, CA 94612

(510) 238-6256 Voice, (510) 238-7415 Fax



SIERRA TRAFFIC MARKINGS, INC.
9725 DEL ROAD SUITE B
ROSEVILLE, CA. 95747

"UN ATTACHMENT E

C/

St.

Bond Rate 1% (Minimum \$300)

DIR Registration #1000002783

PHONE: (916) 774-9080

FAX: (916) 774-9088

ESTIMATE

ESTIMATE #	19-1347
DATE:	10/17/2019
BID DATE:	10/18/2019

ATTN: Mike DeLaPaz
TO: Branagh Inc.
 750 Kevin Court
 Oakland, CA 94621
PHONE: 510-638-6455
FAX: 510-562-8371
EMAIL: mdlapaz@branaghinc.com

PROJECT: Fruitvale Transit Village
ADDRESS:
CITY: Oakland, CA
PROJECT #:
ESTIMATOR: Andre Acia
CERTIFIED PAYROLL: _____

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
	FRUITVALE TRANSIT VILLAGE PHASE II-A				
1.	6" Thermoplastic Pavement Stripes (White)	600	LF	5.40	3,240.00
2.	Mobiliation / Demobilization	1	LS	2,200.00	2,200.00
3.	Additional General Liability Insurance up to \$5,000,000.00 (Until 12/31/2019)	1	LS	5,500.00	5,500.00
4.	Additional Umbrella/Excess Insurance Up to \$10,000,000.00 (Until 12/31/2019)	1	LS	10,000.00	10,000.00
5.	Pollution Liability Insurance Up to \$5,000,000.00	1	LS	7,200.00	7,200.00
6.	Railroad Protective Liability Insurance Up to \$2,000,000.00	1	LS	4,900.00	4,900.00
	OPTION #1 On-Track Safety Briefing 3 Workers, 2 Hours ADD \$150.00				
	OPTION #2 Off-Site Safety Training Class 3 Workers, 4 Hours ADD \$2500.00				
	NOTE: This Estimate INCLUDES the Following Items: A) 1 Mobilization to Jobsite Additional Mobilization to Jobsite will be \$2200.00 EA B) Traffic Control For Sierra Traffic Markings (Does NOT Include Detours) C) Thermoplastic				
	NOTE: This Estimate EXCLUDES the Following Items: A) Traffic Control Plans B) Removal of Existing Thermoplastic Striping and Markings C) Mast Arm/Overhead Mounted Signs D) Posting/Notifications/USA-811 E) Changeable Message Boards F) Enhanced Wet Night Visibility G) Power Washing Existing Surface Prior to Striping				

Total Value of Striping Work for one crossing: \$5,440
 Two crossings: \$10,880
 Plus 10%: \$11,968
Proposed In-Lieu Fee: \$12,000

ADDENDUMS ACKNOWLEDGED:

TOTAL \$33,040.00

ACCEPTANCE OF THIS ESTIMATE: The above prices, specifications, and provisions are satisfactory and are hereby accepted. Sierra Traffic Markings Inc. is authorized to do the above mentioned work as specified. Payment will be made upon completion and/or receipt of invoice.

ACCEPTED BY: _____

TITLE: _____

DATE OF ACCEPTANCE: _____

PO NUMBER: _____ **JOB NUMBER** _____