

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 839-6451

VIA U.S. MAIL AND ELECTRONIC MAIL

June 28, 2011

Dr. Joel Parrott
Oakland Zoo
P.O. Box 5238
Oakland, CA 94605
drparrott@oaklandzoo.org

RE: Appeals of Planning Commission Decision to Approve the Amendment to the Oakland Zoo Master Plan and Parks and Recreation Advisory Commission Decision to Approve the Tree Permit for Phase One of the Amended Master Plan; Case File Nos. CM09-085; CP09-078; ER09-005; and T09-019 (9777 Golf Links Road; APN 048-5655-003-00 & 048-6162-001-10)

Dear Dr. Parrott:

At the meeting on June 21, 2011, the City Council adopted the attached resolution (by a vote of 8 to 0) to **DENY** the above appeals thereby upholding the decisions of the Planning Commission and Parks and Recreation Advisory Commission. This action resulted in approval of the Master Plan amendment. Also attached are the findings and conditions of approval/mitigation measures adopted by the City Council.

The City Council's action is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date of the City Council meeting, unless a different date applies.

If you have any questions, please contact Darin Ranelletti at (510) 238-3663 or dranelletti@oaklandnet.com.

Sincerely,

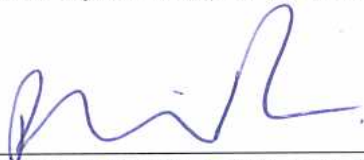
A handwritten signature in blue ink, which appears to read "Eric Angstadt".

ERIC ANGSTADT
Deputy Director, Community and Economic Development Agency

Attachments: Resolution No. 83435 C.M.S.
CEQA Findings
Findings for Approval of the Major Conditional Use Permit and Creek Protection Permit
Conditions of Approval/Mitigation Measures for the Major Conditional Use Permit and Creek Protection Permit
Findings and Conditions of Approval for the Tree Permit

cc: Audree Jones-Taylor, Office of Parks and Recreation (via interoffice mail)
Robert Zahn, Public Works Agency, Tree Section (via interoffice mail)
Gay Luster, Public Works Agency, Tree Section (via interoffice mail)
Ray Derania, Building Services Division (via interoffice mail)
Bill Quesada, Inspection Services (via interoffice mail)
Nik Haas-Dehejia, Oakland Zoo, P.O. Box 5238, Oakland, CA 94605;
nik@oaklandzoo.org
Ruth Malone, Friends of Knowland Park, 10700 Lochard Street, Oakland, CA 94605;
ruth.malone@ucsf.edu
Jason Webster, Friends of Knowland Park, 4201 Malcolm Avenue, Oakland, CA 94605;
jason@friendsofknowlandpark.org
Thomas DeBoni, Friends of Knowland Park, 350 Elysian Fields Drive, Oakland, CA
94605; tomdeboni@mac.com
Laura Baker, California Native Plant Society, P.O. Box 5597, Elmwood Station, Berkeley,
CA 94705; lbake66@aol.com
Jim Hanson, California Native Grasslands Association, P.O. Box 8327, Woodland, CA
95776; greenhectare@yahoo.com

I certify that on June 28, 2011, this letter and attachments were placed in the U.S. mail system, postage prepaid for first class mail, and sent, as well as emailed, to the names and addresses listed above.

DARIN DANIELS 
NAME & SIGNATURE OF PERSON PLACING IN MAIL

6/28/11
DATE

FILED
OFFICE OF THE CITY CLERK
OAKLAND

11 JUN 22 PM 3:22

REVISED

APPROVED AS TO FORM AND LEGALITY


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 83435 C.M.S.

RESOLUTION DENYING THE APPEALS AND UPHOLDING THE DECISIONS OF THE CITY PLANNING COMMISSION AND PARKS AND RECREATION ADVISORY COMMISSION APPROVING THE AMENDMENT TO THE OAKLAND ZOO MASTER PLAN AND RELATED TREE PERMIT FOR PHASE ONE OF THE AMENDED MASTER PLAN, RESPECTIVELY, LOCATED AT 9777 GOLF LINKS ROAD (CASE FILE NUMBERS CM09-085; CP09-078; ER09-005; AND T09-019)

WHEREAS, a Master Plan for the Oakland Zoo (“Zoo”) was prepared in 1990 (“1990 Master Plan”); and

WHEREAS, the City Council adopted the Open Space, Conservation, and Recreation (“OSCAR”) Element of the General Plan in 1996; and

WHEREAS, the OSCAR acknowledges the 1990 Master Plan; and

WHEREAS, the City Council adopted a Mitigated Negative Declaration (“MND”) pursuant to the California Environmental Quality Act (“CEQA”) in 1998 (“1998 MND”) and approved a Master Plan for the Zoo in 1998 (“1998 Master Plan”); and

WHEREAS, the 1998 Master Plan is similar to the 1990 Master Plan and is consistent with OSCAR; and

WHEREAS, the 1998 MND and 1998 Master Plan approval were not legally challenged and thus are presumed valid; and

WHEREAS, CEQA Guidelines sections 15162 and 15164 preclude the preparation of an environmental impact report, when a previously adopted CEQA document was not legally challenged, except under certain specific circumstances not applicable here; and

WHEREAS, the City Council adopted Uniformly Applied Development Standards pursuant to CEQA Guidelines section 15183, applied as Standard Conditions of Approval, on

November 3, 2008, via Ordinance No. 12899 C.M.S., finding, in relevant part, that the Standard Conditions of Approval are designed to and will mitigate environmental impacts of future projects, and this ordinance was not legally challenged; and

WHEREAS, the East Bay Zoological Society (“Applicant”) filed applications for a major conditional use permit and creek protection permit (“Development Permits”) to amend the 1998 Master Plan (“Project”) on April 20, 2009; and

WHEREAS, the Applicant also filed an application for a tree permit for the Project on April 20, 2009, which was subsequently revised (which together with the application for the Development Permits is hereafter referred to as the “Applications”); and

WHEREAS, the City, commencing in 2009, began preparing a combined CEQA document (an Addendum together with a Subsequent Mitigated Negative Declaration, hereafter referred to as a “SMND/A”), which independently and collectively satisfy the City’s obligations under CEQA, and issued a Notice of Intent to Adopt a SMND/A for the Project, in accordance with CEQA, on February 11, 2011; and

WHEREAS, the City received comments on the Draft SMND/A and the City believes the issues raised in the comment letters have been adequately addressed and do not change the conclusions of the SMND/A; and

WHEREAS, the Parks and Recreation Advisory Commission (“PRAC”) conducted a duly noticed public hearing on the Project on March 9, 2011, which was continued until March 14, 2011, and voted to recommend approval of the Project at the close of said public hearing; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the SMND/A and the Project on March 16, 2011, at which time the public hearing on the SMND/A and Project were closed; and

WHEREAS, the matter was continued and properly noticed for April 20, 2011, to provide time for City staff to respond to the public comments submitted up to and including March 16, 2011, but the meeting was adjourned, due to a lack of a quorum, and properly noticed for April 27, 2011; and

WHEREAS, the Planning Commission adopted/approved, and made appropriate CEQA findings for, the SMND/A and approved the Development Permits for the Project on April 27, 2011, subject to findings and conditions of approval; and

WHEREAS, the Planning Commission found, in part, that the Project would improve the 1998 Master Plan, would further enhance a City-owned facility by providing a unique and valuable recreational and educational opportunity for visitors, is consistent with applicable General Plan policies and zoning regulations, would not result in new significant environmental impacts or the substantial increase in previously identified significant impacts, and would continue to allow public access to a substantial amount of open space in Knowland Park and the surrounding area; and

WHEREAS, the Public Works Agency, on April 28, 2011, based upon its independent review and consideration, and the exercise of its independent judgment, relied upon and adopted the Planning Commission's CEQA-related findings, and approved the tree permit for phase one of the Project finding that the tree permit is necessary for the construction of the Project and complies with the applicable criteria of the Oakland Municipal Code; and

WHEREAS, the Friends of Knowland Park filed an appeal to the PRAC of the Public Works Agency's approval of the tree permit on May 5, 2011; and

WHEREAS, the Friends of Knowland Park, California Native Plant Society, and California Native Grasslands Association ("Appellants"), filed an appeal to the City Council of the Planning Commission's decision on May 6, 2011; and

WHEREAS, the PRAC, on May 11, 2011, conducted a duly noticed public hearing on the appeal of the tree permit and denied said appeal, thereby sustaining the decision of the Public Works Agency, determining that the tree permit complies with CEQA and conforms to the applicable criteria of the Oakland Municipal Code; and

WHEREAS, the Appellants filed an appeal to the City Council of the PRAC's decision on the tree permit on May 16, 2011 (which together with the appeal of the Planning Commission's decision is hereafter referred to as the "Appeals"); and

WHEREAS, the City Council conducted a duly noticed public hearing on the Appeals on June 21, 2011; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, although the Appeals before the City Council are not de novo, but rather limited to the issues and/or evidence presented to the Planning Commission and/or PRAC prior to the close of the public hearings before those bodies, as stated in the notices, decision letters, Oakland Planning Code section 17.134.070A, and Oakland Municipal Code section 12.36.120, and as determined by *Mashoon v. City of Oakland* (Appeal No. A077608; filed December 9, 1997; First Appellate District, Division Five), the City Council has nevertheless considered all issues and evidence submitted into the record prior to and at the public hearing on June 21, 2011; and

WHEREAS, the City responses to public comments on the SMND/A in the staff report for the April 27, 2011, Planning Commission meeting and the June 21, 2011, City Council Agenda Report were prepared by the technical experts that prepared the SMND/A and constitute substantial evidence that adequately address the issues raised by Appellants;

WHEREAS, the public hearing was closed by the City Council on June 21, 2011; now, therefore, be it

RESOLVED: The City Council, having independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications, SMND/A, the decisions of the Planning Commission, Public Works Agency, and

PRAC (collectively called “City Decisions” and/or “City Decisionmakers”), and the Appeals, hereby finds and determines that the Appellants have **not** shown, by reliance on evidence in the record, that the City Decisions were made in error, that there was an abuse of discretion by the City Decisionmakers, and/or that the City Decisions were not supported by sufficient, substantial evidence in the record. This decision is based, in part, on the June 21, 2011, City Council Agenda Report, the March 16, 2011, and April 27, 2011, Planning Commission staff reports, the May 11, 2011, PRAC staff report, and the SMND/A, which are hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeals are denied, the City Decisions to adopt the above-referenced CEQA findings and approve the Project are upheld, and the Project and the applications therefore are approved; and be it

FURTHER RESOLVED: That, in further support of the City Council’s decision to deny the Appeals and approve the Project, the City Council affirms and adopts as its own findings and determinations (i) the June 21, 2011, City Council Agenda Report, including without limitation the discussion, findings, conclusions, specified conditions of approval (including the Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (“SCAMMRP”)) (each of which is hereby separately and independently adopted by this Council in full); (ii) the March 16, 2011, and April 27, 2011, Planning Commission staff reports, including without limitation the discussion, findings, conclusions, conditions of approval and SCAMMRP (each of which is hereby separately and independently adopted by this Council in full); and (iii) the May 11, 2011, PRAC staff report, including without limitation the discussion, findings, conclusions, specified conditions of approval and SCAMMRP (each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

FURTHER RESOLVED: The City Administrator, or designee, is hereby authorized to take any and all steps necessary to implement and/or effectuate this Resolution, including without limitation, negotiating and executing agreements with State and federal Resource Agencies, determining and requiring appropriate financial assurances, and the like, which are consistent with the basic purposes and intent of this Resolution; provided, however, any legal agreements shall be subject to the review and approval of the Office of the City Attorney; and be it

FURTHER RESOLVED: The City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: The record before this Council relating to this Resolution includes, without limitation, the following:

1. the Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and its representatives;
3. all staff reports, decision letters, and other documentation and information produced by or on behalf of the City, including without limitation the SMND/A and supporting technical

studies, all related and/or supporting materials, and all notices relating to the Applications and attendant hearings;

4. all oral and written evidence received by City staff, the PRAC, the Planning Commission, and the City Council before and during the public hearings on the Applications;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

FURTHER RESOLVED: The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council’s decision is based are (a) the Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, (b) the Public Works Agency, Tree Section, 7101 Edgewater Drive, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California; and be it

FURTHER RESOLVED: The recitals contained in this Resolution are true and correct and are an integral part of the City Council’s decision.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 21 2011, 2011

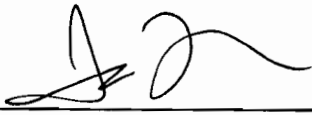
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL
SEHAAP, AND PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

LEGAL NOTICE: This action of the City Council is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision was announced, unless a different date applies.

AMENDMENT TO OAKLAND ZOO MASTER PLAN
CITY COUNCIL ADOPTED FINDINGS FOR APPROVAL

JUNE 21, 2011

California Environmental Quality Act (CEQA) Findings

A. Addendum Findings

The City, based upon the Planning Commission's independent review, consideration, and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present in that (1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 1998 Mitigate Negative Declaration (MND); (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 1998 MND; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 1998 MND was adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the 1998 MND or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 1998 MND, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. Thus, in considering approval of the amendment to the previously approved 1998 Master Plan, the City can rely on the previously adopted 1998 MND.

B. Subsequent Mitigated Negative Declaration Findings

Although the City can rely on the previously adopted 1998 MND for the reasons stated above, and thus an Addendum is the appropriate CEQA document, as an alternative, separate, and independent basis, the City also hereby makes the following findings in the adoption of the Subsequent Mitigated Negative Declaration (SMND) in the interests of being conservative and providing additional opportunity for public review:

- a. The proposed SMND was prepared by the City of Oakland as the Lead Agency and was properly circulated for public review and comment for 30 days.
- b. The proposed SMND was independently reviewed and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission. That such independent judgment is based on review and consideration of the information contained in the SMND, the public comments on the SMND, the responses to public comments, and on substantial evidence in the entire record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses to the SMND and the administrative record as a whole). That the Planning Commission recognizes that the SMND and standard conditions of approval and/or mitigation

measures (or implementation of such) may contain certain additions, clarifications, modifications or other revisions (as the result of the public review and comment, public agency responses to those comments, and refinements to the project description), but that such work does not represent “substantial revisions” requiring re-circulation of the SMND. Rather, these minor revisions merely clarify and amplify existing information, mitigation measures, and/or standard conditions of approval (or implementation of such) presented in the Draft SMND/A, and/or make insignificant modifications to the Draft SMND/A, and are not considered substantial revisions under CEQA requiring recirculation of the Draft SMND/A. Specifically, any new, revised and/or clarified standard conditions of approval/mitigation measures, or implementation of such, is equivalent or more effective in mitigating or avoiding potential significant effects and that such in themselves would not cause any potentially significant effect on the environment.

- c. The proposed SMND and its findings and conclusions are adopted by the Planning Commission as its source of environmental information, except where otherwise expressly stated; and that SMND is legally adequate and was completed in compliance with CEQA.
- d. The proposed SMND identifies all potential significant adverse impacts and feasible mitigation measures and/or standard conditions of approval that would reduce these impacts to less-than-significant levels; and that all of the mitigation measures identified in the SMND, as they may be revised, and in the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program will be adopted and implemented.
- e. The project complies with CEQA; and the proposed SMND, along with public comments on such and responses to such public comments, was presented to the Planning Commission, which reviewed and considered the information contained therein prior to acting on the project approvals.
- f. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.
- g. That the record before the Planning Commission includes, without limitation, the following:
 - 1. the project application, including all accompanying maps and papers;
 - 2. all plans submitted by the applicant and his/her representatives;
 - 3. all final staff reports, decision letters, and other documentation and information produced by or on behalf of the City.
 - 4. all oral and written evidence received by the City staff, Planning Commission before and during the public hearings on the application; and
 - 5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations; (c) Oakland Fire Code; (d) Oakland Planning Code; (e) other applicable City policies and regulations; and, (f) all applicable state and federal laws, rules and regulations.

- h. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Planning Commission decision is based is the Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3115, Oakland, CA. 94612.

AMENDMENT TO OAKLAND ZOO MASTER PLAN
CITY COUNCIL ADOPTED FINDINGS FOR APPROVAL

JUNE 21, 2011

Major Conditional Use Permit and Creek Protection Permit

Part 1: Major Conditional Use Permit Findings

The following findings are made to approve the major conditional use permit. Required findings are shown in **bold** type and the reasons the project satisfies the required findings are shown in normal type. The basis to approve the permit is not limited to the findings contained herein, but also includes the information contained in the March 16, 2011, and April 20, 2011 (adjourned to April 27, 2011), Planning Commission staff reports, the June 21, 2011, City Council Agenda Report, the adopted CEQA findings for the project, the adopted conditions of approval and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), the Subsequent Mitigated Negative Declaration/Addendum prepared for the project, and the entire record before the City.

In making the findings below, the City determines that the findings for approval of the 1998 Master Plan still apply to the amended Master Plan.

- A. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The overall characteristics of the Master Plan amendment will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. The size of the zoo expansion area will decrease from 62 acres to 56 acres thereby reducing the scale of the expansion. The proposed aerial gondola system for transporting Zoo visitors to the California exhibit will be superior to the previously approved shuttle bus system because the gondola system will require significantly less hillside grading, thereby reducing the environmental impact and visual impact on the neighboring houses. Additionally, the gondola will be located further away from nearby residents compared to the previously approved shuttle bus system and will not result in significant visual impacts as analyzed in the SMND/A. The new Veterinary Medical Hospital will be sited in a location to minimize its visibility from nearby homes. The new overnight camping area will be sited far away from nearby homes and in a wooded area such that its presence will have little impact on the surrounding neighborhood. The proposed perimeter fence in the Master Plan amendment will be superior to the perimeter fence in the approved Master Plan. The fence in the Master Plan amendment has been adjusted to reduce encroachment into valuable chaparral habitat and to provide continued public access to one segment of an existing fire road and one knoll containing scenic views located in the southwestern portion of Knowland Park. The proposed public walking path will connect existing fire roads thereby increasing public hiking opportunities compared to the approved Master Plan. The existing dirt fire road in Knowland Park located

at the end of Snowdown Avenue will be improved (widened and surfaced with gravel) to provide enhanced emergency vehicle access to and from areas of Knowland Park.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The Master Plan amendment will provide a well-designed, attractive, convenient and functional civic and recreational environment. The reconfiguration of the animal exhibits proposed within the California exhibit will result in an easy-to-follow circular route through the exhibits. The departure point for the aerial gondola system will be located conveniently within the existing zoo and the arrival point for the aerial gondola in the California Interpretative Center will be convenient for visitors because visitor services will be located in the Center. The new Veterinary Medical Hospital will be conveniently located near the existing zoo such that animals and zoo employees will not need to travel far to reach the Hospital from the zoo. The Hospital will also provide an improved working environment in that it will replace the existing undersized and aging veterinary facility at the zoo with a modern facility. The overnight camping area will be located in a convenient location; it will be located within walking distance of the California exhibit area. The perimeter fence modifications will enhance the functionality of public hiking trails in Knowland Park compared to the approved Master Plan because the modifications will allow continued public access to one segment of an existing fire road and one knoll containing scenic views located in the southwestern portion of Knowland Park. The proposed public walking path will connect existing fire roads thereby increasing the functionality of public hiking trails in Knowland Park compared to the approved Master Plan. The improvements to the Snowdown fire road in Knowland Park will enhance the functionality of the road as a means of emergency vehicle access to and from areas of Knowland Park. The features of the Master Plan amendment will also be well-designed and attractive for the reasons stated below (see Finding D).

C. The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The Master Plan amendment will both enhance the successful operation of the zoo and provide an essential service to the community and region. The new Veterinary Medical Hospital will replace the existing undersized and aging veterinary facility at the zoo with an improved, modern veterinary facility. In addition to providing an improved environment for animal diagnosis and treatment, the new Hospital will enhance the zoo's research and education programs. The new overnight camping area will provide a unique recreational and educational opportunity for Bay Area youth and families. The modifications to the perimeter fence and the proposed public walking path will enhance Knowland Park as a hiking area compared to the approved Master Plan because the perimeter fence modifications will allow continued public access to one segment of an existing fire road and one knoll containing scenic views located in the southwestern portion of Knowland Park and the proposed public walking path will connect existing fire roads. The improvements to the Snowdown fire road in Knowland Park will provide an essential public safety measure by enhancing the road as a means of emergency vehicle access to and from areas of Knowland Park.

D. The proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050.

The Master Plan amendment conforms to the regular design review criteria of Section 17.136.050 for the reasons stated below.

Regular Design Review Criteria

- 1. The proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area.**

The Master Plan amendment will achieve a group of facilities which are well-related to one another, will result in a well-composed design, and relate well to the surrounding area. Compared to the approved Master Plan, the reconfigured animal exhibits in the California exhibit will be sited in a location that is less steep, thereby requiring less grading and reducing potential environmental impacts. The animal exhibits will employ similar architectural design so as to reinforce the character of the California exhibit. Animal exhibit buildings will be generally low in height to minimize their visual impact on Knowland Park users and surrounding homes. The relocation of the California Interpretive Center will minimize its visibility from the surrounding area because the Center will step down the hillside to limit its visible height from the nearby homes to the south and the public hiking trails in Knowland Park. Replacement of the previously approved shuttle bus system with a new aerial gondola system relocates the main people-moving facility of the California exhibit further away from nearby homes. The visual impacts of the gondola system are expected to be less than significant and the gondola towers and cars will be painted non-reflective earth-tone colors to minimize glare and visibility. The new Veterinary Medical Hospital will be sited near the existing zoo thereby minimizing potential visual impacts to Knowland Park users. The Hospital will be developed using “green” building principles with the intent of the Hospital to be the first Leadership in Energy and Environmental Design (LEED)-certified facility of its kind in California. The overnight camping area will be sited in a wooded area where its visibility will be minimized and because the cabins will be constructed on raised platforms, the ground disturbance of the cabins will be limited.

- 2. The proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The design of the Master Plan amendment will be high in quality thereby protecting investments in the area. The materials proposed for the Veterinary Medical Hospital and the California Interpretive Center are durable and attractive. The design will utilize a mixture of materials, textures, and shapes to provide visual interest. The exterior wood and masonry materials proposed on the Hospital, Interpretive Center, and animal holding buildings will provide a rustic character that will harmonize with the existing zoo and Knowland Park.

- 3. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The design of the Master Plan amendment is consistent with General Plan and Planning Code policies related to the design of civic facilities and parks as demonstrated in the General Plan and Planning Code analysis contained in the Subsequent Mitigated Negative Declaration/Addendum (see, e.g., Chapter 3.8 Land Use, Recreation and Planning). The modifications to the perimeter fence will ensure that the amended Master Plan will be implemented in the portion of Knowland Park designated Urban Open Space in the General Plan and OS-SU (Open Space-Special Use) in the zoning regulations where more intensive recreation uses, such as zoos, are allowed. The proposed public walking path is designed to improve hiking opportunities in Knowland Park compared to the approved Master Plan. The reconfigured animal exhibits in the California exhibit will be sited in a location that is less steep, thereby requiring less grading and reducing potential environmental impacts. The animal exhibits will employ similar architectural design so as to reinforce the character of the California exhibit. Animal exhibit buildings will be generally low in height to minimize their visual impact on Knowland Park users and surrounding homes. The relocation of the California Interpretive Center will minimize its visibility from the surrounding area because the Center will step down the hillside to limit its visible height from the nearby homes to the south and the public hiking trails in Knowland Park. Replacement of the previously approved shuttle bus system with a new aerial gondola system relocates the main people-moving facility of the California exhibit further away from nearby homes. The visual impacts of the gondola system are expected to be less than significant and the gondola towers and cars will be painted non-reflective earth-tone colors to minimize glare and visibility. The new Veterinary Medical Hospital will be sited near the existing zoo thereby minimizing potential visual impacts to Knowland Park users. The overnight camping area will be sited in a wooded area where its visibility will be minimized.

There are no specific design review guidelines or criteria, district plans, or development control maps which have been adopted by the Planning Commission or City Council concerning the design of the zoo, Knowland Park, or other civic facilities or parks.

- E. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

- 1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**
- 2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation**

or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

This finding does not apply to the Master Plan amendment because the amendment does not involve a One- or Two-Family Residential Facility.

F. The proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The Master Plan amendment is consistent with General Plan and Planning Code policies as demonstrated in the General Plan and Planning Code analysis contained in the Subsequent Mitigated Negative Declaration/Addendum (see, e.g., Chapter 3.8 Land Use, Recreation and Planning). The modifications to the perimeter fence will ensure that the amended Master Plan will be implemented in the portion of Knowland Park designated Urban Open Space in the General Plan and OS-SU (Open Space-Special Use) in the zoning regulations where more intensive recreation uses, such as zoos, are allowed. The proposed public walking path is designed to improve hiking opportunities in Knowland Park compared to the approved Master Plan. The reconfigured animal exhibits in the California exhibit will be sited in a location that is less steep, thereby requiring less grading and reducing potential environmental impacts. The animal exhibits will employ similar architectural design so as to reinforce the character of the California exhibit. Animal exhibit buildings will be generally low in height to minimize their visual impact on Knowland Park users and surrounding homes. The relocation of the California Interpretive Center will minimize its visibility from the surrounding area because the Center will step down the hillside to limit its visible height from the nearby homes to the south and the public hiking trails in Knowland Park. Replacement of the previously approved shuttle bus system with a new aerial gondola system relocates the main people-moving facility of the California exhibit further away from nearby homes. The visual impacts of the gondola system are expected to be less than significant and the gondola towers and cars will be painted non-reflective earth-tone colors to minimize glare and visibility. The new Veterinary Medical Hospital will be sited near the existing zoo thereby minimizing potential visual impacts to Knowland Park users. The overnight camping area will be sited in a wooded area where its visibility will be minimized.

There are no specific guidelines or criteria, district plans, or development control maps which have been adopted by the Planning Commission or City Council concerning the zoo, Knowland Park, or other civic facilities or parks.

Part 2: Creek Protection Permit Findings

The proposed replacement of the storm drain outfall in Arroyo Viejo Creek requires a category IV creek protection permit because the work will be located between the centerline of the creek and 20 feet from the top of the creek bank. A proposed new drainage outfall located near where the service road enters the California exhibit that would discharge at a point near the bottom of the drainage channel (approximately 200 feet to the southwest of the California exhibit) would also require a category IV creek protection permit because the work will be located between the centerline of the creek and 20 feet from the top of the creek bank. The improvements to the service road to the California exhibit requires a category III creek protection permit because the work will be located between 20 feet from the top of the creek bank and 100 feet from the centerline of the creek. The California exhibit and the Veterinary Medical Hospital also require a category III creek protection permit because earthwork will be located beyond 20 feet from the top of the creek bank. The other features of the amended Master Plan, including but not limited to the perimeter fence, aerial gondola, overnight camping area, and public walking path all require a category II creek protection permit because they are located more than 100 feet from the centerline of creeks and do not involve earthwork. Category II creek protection permits are ministerial actions requiring best management practices during construction. Since discretionary findings are only required for category III and IV creek protection permits, the findings below focus on those elements of the amended Master Plan that require a category III or IV creek protection permit.

The following findings are made to approve the creek protection permit. Required findings are shown in **bold** type and the reasons the project satisfies the required findings are shown in normal type. The basis to approve the permit is not limited to the findings contained herein, but also includes the information contained in the March 16, 2011, and April 20, 2011 (adjourned to April 27, 2011), Planning Commission staff reports, the June 21, 2011, City Council Agenda Report, the adopted CEQA findings for the project, the adopted conditions of approval and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), the Subsequent Mitigated Negative Declaration/Addendum prepared for the project, and the entire record before the City.

A. The proposed activity (during construction and after project is complete) will not (directly or indirectly) adversely affect the creek. In determining whether the creek would be adversely impacted, the following factors, at a minimum, shall be considered:

1. Whether the proposed activity may discharge pollutants into the creek.

Arroyo Viejo Creek Outfall Replacement: Pollutant discharge into Arroyo Viejo Creek associated with the replacement of the outfall will be minimal due to the City's standard conditions of approval that require obtaining the necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Game. Compliance with the permits will require minimizing the potential for construction- and operation-related pollutant discharge. This work will improve the quality of the creek because it replaces the existing deteriorating outfall which is currently failing and releasing polluted debris into the creek.

California Exhibit Outfall: Pollutant discharge into the creek to the southeast of the California exhibit drainage associated with the new drainage outfall will be minimal due to the City's standard conditions of approval that require implementation of the approved creek protection plan and erosion control plan

to manage construction-related pollutants. During operation, stormwater will be treated to remove pollutants through infiltration before reaching the creek.

Service Road Improvements: Pollutant discharge into the creek near the service road will be minimal due to the City's standard conditions of approval that require implementation of the approved creek protection plan and erosion control plan to manage construction-related pollutants. During operation, the road improvements are designed to convey surface runoff from the roadway away from the creek. The runoff from the roadway will also pass through biotreatment features (rain gardens) that will remove pollutants from the water.

California Exhibit: Pollutant discharge into creeks associated with the California exhibit will be minimal due to the City's standard conditions of approval, identified mitigation measures, and project design features. During construction, creek protection and erosion control measures will be required to reduce erosion into creeks. During operation, the project will include green roofs and biotreatment measures, including a vegetated swale, a detention facility, and rain gardens, to remove pollutants from stormwater runoff.

Veterinary Medical Hospital: Pollutant discharge into the creek associated with the Veterinary Medical Hospital will be minimal due to the City's standard conditions of approval that require implementation of the approved creek protection plan and erosion control plan to manage construction-related pollutants. During operation, no pollutants associated with the Hospital will be discharged into the creek because no Hospital-related stormwater will be discharged into the creek.

2. Whether the proposed activity may result in modifications to the natural flow of water in the creek.

Arroyo Viejo Creek Outfall Replacement: The replacement of the outfall in Arroyo Viejo Creek will improve the natural flow of water in the creek by replacing the existing outfall, which currently discharges at an opposing angle to the creek.

California Exhibit Outfall: The new drainage outfall is designed with a T-shaped energy dissipater to so that discharge from the outfall does not adversely modify the natural flow of the water in the creek.

Service Road Improvements: The natural flow of water in the creek near the service road will not be adversely modified by the service road improvements because the road will be located approximately 46 feet from the top of the creek bank and stormwater runoff from the road will not be discharged into the creek.

California Exhibit: Drainage from the California exhibit will not adversely modify the natural flow of water in creeks because the project will include stormwater detention features such as green roofs, permeable paving, a vegetated swale, a detention facility, and rain gardens so that the volume and duration of post-project runoff matches the pre-project volume and duration.

Veterinary Medical Hospital: The Veterinary Medical Hospital will not adversely modify the natural flow of water in the creek because the Hospital will be located over 100 feet from the terminus of the creek and no Hospital-related stormwater will be discharged into the creek.

3. Whether the proposed activity may deposit new material into the creek or cause bank erosion or instability.

Arroyo Viejo Creek Outfall Replacement: The replacement of the outfall in Arroyo Viejo Creek will repair existing bank erosion using biorestitution techniques and minimize future material deposit and creek bank erosion by relocating the outfall to discharge onto the existing concrete pad in the creek.

California Exhibit Outfall: The new drainage outfall is designed with a T-shaped energy dissipater to so that discharge from the outfall does not contribute to material deposit or creek bank erosion.

Service Road Improvements: The service road improvements will not contribute to material deposit or creek bank erosion because stormwater runoff from the service road will not be discharged into the creek.

California Exhibit: Drainage from the California exhibit will not contribute to material deposit or creek bank erosion because the project will include stormwater detention features such green roofs, permeable paving, a vegetated swale, a detention facility, and rain gardens so that the volume and duration of post-project runoff matches the pre-project volume and duration.

Veterinary Medical Hospital: The Veterinary Medical Hospital will not contribute to material deposit of creek bank erosion because the Hospital will be located over 100 feet from the terminus of the creek and no Hospital-related stormwater will be discharged into the creek.

4. Whether the proposed activity may result in alteration of the capacity of the creek.

Except for the Arroyo Viejo Creek outfall replacement, the proposed activities will not alter the geometrics, and therefore, not alter the capacity of the affected creeks. The Arroyo Viejo Creek outfall replacement will modify and replace the existing eroding creek bank with a new more natural bank using biorestitution techniques. The restoration will enhance the creek's long-term ability to maintain adequate capacity.

5. Such other factors as deemed appropriate.

No other factors are relevant.

B. The proposed activity will not adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat.

Except for the Arroyo Viejo Creek outfall replacement, the proposed activities will not involve activities located within the riparian corridor; therefore, the riparian elements will not be adversely impacted. The

Arroyo Viejo Creek outfall replacement will enhance the riparian corridor by modifying and replacing the existing eroding creek bank with a new more natural bank using biorestitution techniques. Construction activities will be subject to the City's standard conditions of approval that require obtaining all necessary State and federal regulatory permits required to protect wildlife and habitat.

C. The proposed activity will not degrade the visual quality and natural appearance of the riparian corridor.

Except for the Arroyo Viejo Creek outfall replacement and the new California Exhibit outfall, the proposed activities will not alter the visual quality of the affected riparian corridor therefore the visual quality of the riparian corridors will not be degraded. The Arroyo Viejo Creek outfall replacement will enhance the riparian corridor by modifying and replacing the existing eroding creek bank with a new more natural bank using biorestitution techniques. The California Exhibit outfall will not degrade the visual quality of the riparian corridor because it will not be readily visible due to its location near the bottom of the drainage channel.

D. The proposed activity is consistent with the intent and purposes of this chapter.

The proposed activities are consistent with the intent and purposes of the Creek Protection Ordinance—to protect creeks—for the reasons stated above. The proposed activities, due to project design features, the City's standard conditions of approval, and mitigation measures, will not adversely impact creeks.

E. The proposed activity will not endanger public or private property.

The proposed activities will not endanger public or private property. The proposed activities will not adversely impact creeks for the reasons stated above. The proposed activities will enhance Arroyo Viejo Creek and the other activities are designed so that the volume and duration of post-project runoff matches the pre-project volume and duration in order to mimic the existing drainage condition. The proposed storm drainage system is designed to reduce some of the existing flooding problems that occur in the vicinity of the site.

F. The proposed activity will not (directly or indirectly) threaten the public's health or safety.

The proposed activities will not threaten public health or safety. The proposed activities will not adversely impact creeks for the reasons stated above. The proposed activities will enhance Arroyo Viejo Creek and the other activities are designed so that the volume and duration of post-project runoff matches the pre-project volume and duration in order to mimic the existing drainage condition. The proposed storm drainage system is designed to reduce some of the existing flooding problems that currently occur in the vicinity of the site.

AMENDMENT TO OAKLAND ZOO MASTER PLAN

CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL/MITIGATION MEASURES

JUNE 21, 2011

Major Conditional Use Permit and Creek Protection Permit

Part 1: Standard Conditions of Approval: General Conditions

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, project drawings (received March 8, 2011), March 16, 2011, Planning Commission staff report, April 20, 2011, Planning Commission staff report (considered at the April 27, 2011, adjourned Planning Commission meeting), June 21, 2011, City Council Agenda Report, and the Subsequent Mitigated Negative Declaration/Addendum, as amended by the following conditions of approval and mitigation measures. Any additional uses or facilities other than those approved with this permit will require a separate application and approval. Any deviation from the approved use, drawings, conditions of approval, or mitigation measures 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.
 - i) **Major Conditional Use Permit to modify an existing Extensive Impact Civic Activity (zoological gardens); and**
 - ii) **Creek Protection Permit (Categories III and IV) to allow development on a creekside property.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

This Approval to modify the zoo shall expire **15 years** from the effective date of the Approval. This expiration date shall not apply to modifications to the zoo for which all necessary permits for construction have been issued prior to the expiration date as long as the necessary permits remain valid. In addition, construction of the Veterinary Medical Hospital shall commence within **two years**, and construction of the California exhibit (specifically animal exhibits, and/or the California Interpretive Center, and/or the aerial gondola system) shall commence within **five years**, from the effective date of the Approval for the Approval to remain valid. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of each of these dates, with additional extensions subject to approval by the Planning Commission. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired. See also Condition 23.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the Oakland Planning Code and Oakland Creek Protection Ordinance only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City

Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, p-job, building, 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, Fire Marshal, and 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 3 above.
- 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/Mitigation or Revocation

Ongoing

- a) The 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, condition of approval, mitigation measure, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these conditions of approval and/or mitigation measures if it is found that there is violation of any of the conditions of approval and/or mitigation measures and/or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the conditions of approval and/or mitigation measures.

6. Signed Copy of the Conditions of Approval and Mitigation Measures

With submittal of a demolition, grading, p-job, building, or other construction-related permit

A copy of the Approval, including the conditions of approval and mitigation measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in the Approval, conditions of approval, mitigation measures, or other requirements that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the conditions of approval and mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction activities

At least one (1) copy of the stamped approved plans, along with the Approval, including the conditions of approval and mitigation measures, shall be available for review at the project site at all times.

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

Prior to issuance of a demolition, grading, p-job, building, or other construction-related 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 plan-check 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 the conditions of approval and/or mitigation measures. The project

applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee, to cover these costs.

12. Required Landscape Plan

Prior to issuance of a building permit for each phase

Submittal and approval of a landscape plan for each project phase is 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:

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- c) 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. Assurance of Landscaping Completion

Prior to final inspection of a building permit for each phase

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 bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such 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.

14. 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 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.

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

Prior to issuance of a p-job or building permit

- a) The project applicant shall submit Public Improvement Plans to the Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions of approval, mitigation measures, 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.
- 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 final inspection for the final building permit in each phase.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

16. Payment for Public Improvements

Prior to final inspection for a building permit for each phase.

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

17. Compliance Matrix

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a conditions of approval and mitigation measure compliance matrix that lists each condition of approval and mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the condition of approval or mitigation measure. 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.

18. Construction Management Plan

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

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

Part 2: Standard Conditions of Approval: Uniformly Applied Development Standards

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

Ongoing as specified

All mitigation measures and Standard Conditions of Approval identified in the Subsequent Mitigated Negative Declaration/Addendum are included in the Standard Condition of Approval/Mitigation Monitoring Program (SCAMMRP), which are included in these conditions of approval and are incorporated herein by reference as **Exhibit A**, and therefore are not repeated elsewhere in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any Standard Conditions of Approval or mitigation measure identified in the SMND/A were inadvertently omitted, they are automatically incorporated herein by reference. 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, building or other construction-related permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Part 3: Project-Specific Conditions of Approval

20. Rides Inspections (Condition 10 from 1998 Approval)

Ongoing

The applicant shall retain a consultant/engineer to provide independent inspections of all attraction rides at least annually and shall promptly make such inspection results available to the City upon request.

21. Evacuation Plan (Condition 14 from 1998 Approval)

Ongoing

The Zoo and the neighborhood associations will work with the City's Emergency Services Manager to educate area residents on the existing evacuation plan for the area and to develop additional procedures. The Zoo shall implement such procedures as determined by the City's Emergency Services Manager.

22. Use of Adjacent Streets (Condition 16 from 1998 Approval)

Ongoing

The four emergency accesses located at Stella, Snowdown, Cameron, and Etrick shall only be used for emergency response and normal zoo maintenance activities. No construction trucks will use those accesses.

23. Effectiveness of Approval; City Council Authority

Required prior to this Approval becoming effective

This Approval shall not become effective unless the amendment to the Zoo Master Plan is approved by the City Council. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) the adjudicatory land use decisions of the Planning Commission (including the adoption/approval of the Subsequent Mitigated Negative Declaration/Addendum, the approval of the conditional use permit, the approval of the creek protection permit, and the conditions of approval (including the SCAMMRP)), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions. See also Condition 2.

24. Public Walking Path

Prior to installation of the perimeter fence

The applicant shall submit a plan for the proposed public walking path for review and approval by the Planning and Zoning Division. The plan shall contain the specific proposed location of the path and the design details for the path (e.g., surface material, width) and shall include a section drawing through the path. The City-approved path shall be constructed prior to the installation of the perimeter fence.

25. Perimeter Fence and Exhibit Fencing Setback from Creeks

Prior to issuance of a building permit for each phase and ongoing during installation of fencing

The perimeter fence and exhibit fencing shall be setback at least 100 feet from the centerline of all designated creeks as shown on the approved plans. Plans submitted for construction-related permits shall show the location of the designated creeks and the 100-foot creek protection zones.

26. Colors

Prior to issuance of a building permit for each phase

The applicant shall submit the proposed exterior colors of all buildings and the gondola system for review and approval by the Planning and Zoning Division. The goal of the review of the proposed colors is to minimize the presence of new structures on the landscape. The gondola support towers and cars shall be

painted earth-tone in color with a non-reflective matte finish. The applicant shall utilize the City-approved exterior colors.

27. Landscape Plan

Prior to issuance of a building permit for each phase

The applicant shall submit a landscape plan for review and approval by the Planning and Zoning Division, as required by Condition 12 above, prior to the issuance of a building permit for each phase, and shall implement the approved plan. The landscape plan must comply with the following requirements:

- a) Each landscape plan shall be substantially consistent with the approved landscape plans.
- b) Each landscape plan shall be consistent with the approved Habitat Enhancement Plan.
- c) Each landscape plan shall comply with the requirements from other conditions of approval and/or mitigation measures in this Approval.
- d) Consistent with the intent of Condition 12 from the 1998 approved Master Plan, a landscape plan is required for the California service road to shield the view of the road, as seen from the abutting residential properties, to the maximum extent feasible as determined by the Director of City Planning. The landscaping for the service road shall consist primarily of drought-tolerant, non-invasive, fast-growing, native trees and shrubs. The landscaping shall be installed prior to the completion of the improvements to the service road. The process for review and approval of the landscape plan for the service road is as follows: The applicant shall provide the proposed landscape plan to the South Hills Neighborhood Association (SHNA), the Knowland Park Highland Association (KPHA), and the owners and occupants of the residential lots abutting Knowland Park located on Stella Street, Hellman Street, Maggiora Drive, and Edgemont Way, at least 30 calendar days prior to submitting the plan to the Planning and Zoning Division. Prior to or concurrent with the submittal of the plan to the Planning and Zoning Division, the applicant shall submit to the Planning and Zoning Division documentation of the submittal of the plan to the neighborhood associations and abutting property owners/occupants identified above, along with any written comments received. At least ten calendar days prior to the Director of City Planning issuing a decision on the plan, the Planning and Zoning Division shall notify the identified neighborhood associations and abutting property owners/occupants of the plan submittal and solicit comments within a ten-day comment period.

28. Accessibility to People with Disabilities

Prior to issuance of a building permit for each phase and ongoing

The amended Master Plan shall be designed, constructed, and operated in accordance with the Americans with Disabilities Act (ADA). Prior to issuance of a building permit for the children's playground and exhibits located at the proposed Small Activity Exhibit Zone, the applicant shall submit for review and approval by the Planning and Zoning Division of the design of the children's playground and exhibits. The children's playground and exhibits must be designed, constructed, and operated in accordance with ADA and shall contain a variety of equipment and exhibits that are accessible to people with disabilities.

29. Parks and Recreation Advisory Commission Report

Ongoing

The applicant shall submit to the Parks and Recreation Advisory Commission (PRAC) the Annual Progress Report (including the Annual Assessment) of the Habitat Enhancement Plan required under Mitigation Measure 13a. The PRAC may hold a public hearing on such reports.

30. Snowdown Emergency Access Road

A. Prior to finalizing the first element of the California exhibit

The applicant shall construct the proposed improvements to the emergency access road off Snowdown Avenue prior to the finalization of the first element of the California exhibit, including the overnight camping area, aerial gondola, California Interpretive Center, or one or more California animal exhibits, but not including the Veterinary Medical Hospital, service road to the California exhibit, utilities to the California exhibit, or perimeter fence.

B. Prior to constructing improvements on the Snowdown Emergency Access Road

The proposed gravel surfacing of the Snowdown Emergency Access Road shall be dirt-like in color to minimize the effect of the roadway improvements on the visual character of Knowland Park. Prior to installing the access road improvements, the applicant shall submit for review and approval by the Planning and Zoning Division the proposed surfacing material.

31. Implementation Plan for Habitat Enhancement Plan; Financial Security

A. Prior to the issuance of a construction-related permit for the first element of the California exhibit and prior to conducting the first activities contained in the Habitat Enhancement Plan

The applicant shall submit an Implementation Plan for the Habitat Enhancement Plan for review and approval by the Planning Director prior to the issuance of a construction-related permit for the first element of the California exhibit or prior to conducting the first activities contained in the Habitat Enhancement Plan, whichever occurs first. For the purposes of this condition, an element of the California exhibit includes the overnight camping area, aerial gondola, California Interpretive Center, one or more California animal exhibits, service road to the California exhibit, utilities to the California exhibit, or improvements to the emergency access road off Snowdown Avenue, but not the Veterinary Medical Hospital. The Implementation Plan shall cover a five-year period and include at least the following itemized elements:

- Actions contained in the Habitat Enhancement Plan to be implemented within the five-year period that demonstrate reasonable progress towards implementation of the Habitat Enhancement Plan
- Identification of the party/parties who will implement each action
- Estimated cost of each action
- Source of cost estimation for each action
- Proposed funding mechanism for each action
- Status of funding for each action

The Implementation Plan must demonstrate to the satisfaction of the Planning Director that funding for the Habitat Enhancement Plan is a specified item incorporated into the Zoo's annual budget and reflected in the Zoo's annual accounting audit and that the applicant has reasonably demonstrated that it has the financial capacity to sufficiently complete the identified actions. If necessary to ensure financial capacity, the Planning Director may require the applicant to submit evidence of financial security in an amount and manner acceptable to the City, such as a cash deposit with the City, performance bond, instrument of credit, and/or other form of security deemed acceptable by the Planning Director.

B. Ongoing; Concurrent with the submittal of the Annual Progress Report and prior to the issuance of construction-related permits for the Zoo (as such permits are submitted)

On an ongoing basis for the life of the project, the applicant shall submit an updated Implementation Plan for the Habitat Enhancement Plan for review and approval by the Planning Director with the submittal of the Annual Progress Report required by the Habitat Enhancement Plan. The Implementation Plan shall be updated to reflect the Habitat Enhancement Plan actions planned for the next five-year period and shall include the items listed in section A above. The Implementation Plan must demonstrate to the satisfaction

of the Planning Director that the applicant has reasonably demonstrated that it has the financial capacity to sufficiently complete the identified actions, as explained in section A above. No further construction-related permits shall be issued for the Zoo until the current required Implementation Plan is approved.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

AESTHETICS

Standard Conditions of Approval

SCA-AES-1: 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 irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-AES-2: Lighting Plan

Prior to 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 Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Electrical Services Division
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

AIR QUALITY

Standard Conditions of Approval

SCA-AIR-1: Dust Control

Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and BAAQMD shall also be visible. This information may be posted on other required on-site signage.

The enhanced measures below apply to construction projects involving 1) land uses that exceed the BAAQMD construction screening criteria (e.g., 240 or more multi-family residential units); 2) a demolition permit; 3) simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); 4) extension site preparation (i.e., over four acres in size); or 5)

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).

- a) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- b) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- c) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- d) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- e) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- f) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- g) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- h) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- i) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- j) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- k) Minimize the idling time of diesel-powered construction equipment to two minutes.
- l) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- m) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- n) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.
- o) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

BIOLOGICAL RESOURCES

Revised 1998 Mitigation Measures¹

- 13a) ***Ongoing as stipulated in the Habitat Enhancement Plan:*** The proposed Master Plan would include implementation of a Habitat Enhancement Plan that would enhance oak woodlands, native grasslands, coastal scrub and riparian woodland, and remove eucalyptus, French broom and other exotic plants from the California 1820 Exhibit area and Upper Knowland Park. The Habitat Enhancement Plan should include the following:
- An annual assessment of the species and distribution of invasive nonnative weeds (examples of invasive species would include artichoke thistle, French broom, giant reed, German ivy, pampas grass, Algerian ivy, acacia and eucalyptus). The assessment would include a map and estimate of abundance of weeds.
 - A management element for the control of each weedy species. Methods used for each species should be based on current accepted best available practices, including hand-pulling, cutting followed by topical application of suitable herbicide, use of livestock, removal or burning of cut plant materials, and so on. The justification for the control methods used should be explained, and a tracking system maintained to document areas treated, methods used, and effectiveness of the results.
 - A revegetation element for areas where heavy infestations of weeds comprise a significant portion of the existing vegetation. The riparian zone of lower Arroyo Viejo Creek, for example, is so dominated by nonnative species that planting of indigenous tree and shrub species following the removal of weeds is needed to speed up the restoration process. This element would include a tracking system for areas treated, a record of the source and species of plant materials used, methods of installation and maintenance, and an assessment of the success of each effort.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
 - Ongoing Monitoring Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
- 13b) ***Prior to removal of a protected tree and ongoing as specified:*** A Tree Protection and Revegetation Plan shall be prepared to protect, replace, and preserve trees on the project site. The Plan shall include

¹ The 1998 mitigation measures have been revised for the Master Plan amendment. For a discussion of these changes, see Section 3.3 Biological Resources of the Subsequent Mitigated Negative Declaration/Addendum (SMND/A). The revisions are also shown in underline and strike-out in Appendix C of the SMND/A.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

the following:

- Native trees lost to development shall be replanted at a minimum ratio of 3:1. Non-native trees lost to development shall be replanted with native trees at a minimum ratio of 1:1.
- Every 10 years, prepare a census of trees qualifying for protection under the Oakland Tree Protection Ordinance within the project area. The census will document the condition of such trees, and recommend actions to extend the life and health of the trees. Recommended actions could include protective devices for reduction of vandalism, excessive treading by pedestrians or rubbing of bark, modification of drainage, erosion or sedimentation to protect trees, and modification of irrigation patterns to reduce pathogens. Recommendations and actions taken would be reported to the City of Oakland and the Department of Fish and Game.
- Protection of oaks in Upper Knowland Park outside of the developed areas of the Zoo will be addressed through the development of a management element for Upper Knowland Park. Management practices needed to achieve and maintain oak woodland and forest are: a minimum of grazing livestock, especially during the dry months; few fires; and slope stability. Maintenance of oak woodland would dovetail with weed control measures discussed under Mitigation Measure 13a and the need to provide adequate mitigation for the loss of grassland habitat as provided in the Habitat Enhancement Plan.
- The perimeter fence alignment and exhibit enclosure fencing shall be field-adjusted during installation to further reduce the need to remove protected trees and minimize disturbance in close proximity to the tree root systems. The final alignment of both the perimeter fencing and enclosure fencing shall be overseen by a certified arborist and adjustments made, where feasible, to minimize removal and damage to protected trees. Where tree removal is unavoidable, replacement plantings shall be provided consistent with the City's Standard Conditions of Approval.
- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection; Tree Services Division
- Ongoing Monitoring Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection; Tree Services Division

13c) ***Concurrent with the submittal of a building permit; ongoing as specified:*** The service road shall be a maximum of 15 feet in width and designed to accommodate crossing by Alameda whipsnake and other wildlife, where necessary, to reduce potential impacts to the Alameda whipsnake.

➤ Implementation Responsibility: Project Sponsor

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

14c) ***Prior to issuance of construction-related permits in the affected area:*** Obtain appropriate authorizations from resource agencies to address possible incidental take and a Permit for Management of a rare or threatened species pursuant to Fish and Game Code Section 2081 and Section 7 of the Endangered Species Act, as called for under SCA-BIO-10. The project applicant shall provide compensatory mitigation for impacts to Alameda whipsnake habitat. Such mitigation shall be provided at a ratio of no less than 1:1 (at least one acre for every acre of impact), subject to any increase in this ratio that may be required by the resource agencies. There is adequate area within Knowland Park to achieve this mitigation ratio. Subject to the approval of the resource agencies, mitigation shall be achieved through habitat restoration and enhancement within the California Exhibit boundaries, the Ecological Recovery Zone, and other locations within Knowland Park, at another restoration location with an Alameda whipsnake habitat restoration plan area approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, through the purchase of mitigation credits at a mitigation bank within the East Bay region, or some combination of these options. The project applicant shall retain a qualified biologist to prepare an Alameda whipsnake Mitigation and Monitoring Plan in connection with the application for an incidental take authorization and Management Permit. The Mitigation and Monitoring Plan will be subject to approval by the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The Mitigation and Monitoring Plan shall include (a) a habitat restoration/creation performance standard of no net loss of habitat functions and values; (a) location of the mitigation site(s); (c) a detailed habitat restoration/creation plan for the mitigation site(s); (d) provisions for timing and methods for invasive species removal, controls on herbicide application, and worker training programs that, at a minimum and subject to the requirements of the resource agencies, meet the applicable requirements of the Invasive Species Control Element of the HEP; (f) provisions that include cover requirements, methods of installation and maintenance, a tracking system, a record of source and species of plant materials used in revegetation; and (h) success criteria to be used to evaluate whether the restoration/creation efforts have achieved the identified goals of the Mitigation and Monitoring Plan.

The proposed California Exhibit shall be modified to incorporate recommendations from the 2011 Status Report (Swaim Biological, Inc. 2011), which include removing the amphitheater from the stand of chamise-chaparral; restricting the California Interpretive Center ten feet to the east and limiting grading to within ten feet of the edge of the building; modifying and establishing controls to the bison/tule elk extension exhibit, and ensuring that the perimeter fence is permeable to allow for unrestricted movement of Alameda whipsnake through the area. Controls associated with the bison/tule elk exhibit shall include limiting the number of animals housed to 20 bison and 20 tule elk, maintaining protective cover by creating irrigated pasture outside woodland habitat, and placing rock outcrops and logs to serve as refugia for dispersing snakes. Fire fuel management activities required by the Oakland Fire Department to provide defensible space around buildings shall be done in a manner to limit the potential impact to Alameda whipsnake habitat and performed under the supervision of a qualified

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

biological monitor, including without limitation (a) shrub maintenance shall be done manually using chain saws and clippers; (b) no shrub stumps shall be removed; (c) shrub cuttings shall be removed from the area; (d) thinning shall not result in shrub cover of less than 25 percent; and (e) thinning shall not be performed more frequently than on an annual basis.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; California Department of Fish and Game; U.S. Fish and Wildlife Service
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

14d) ***Ongoing throughout construction in the affected area:*** All removal of scrub or chaparral habitat shall be done by hand with axes or machetes. Chain saws could be used for larger shrubs.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

14e) ***Ongoing throughout construction in the affected area:*** A biologist qualified to handle Alameda whipsnakes shall monitor all scrub or chaparral removal and all construction activities which may impact the Alameda whipsnake.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

14f) ***Prior to issuance of a construction-related permit in the affected area; ongoing:*** Alameda whipsnake habitat shall be preserved in perpetuity on property owned by the East Bay Zoological Society and/or the City of Oakland and contiguous to the east of the California 4820 Exhibit area. Numerous large areas of scrub and/or chaparral habitat are present in the proposed mitigation area and these appear to provide an adequate amount of habitat to offset impacts within the project site. The amount of habitat preserved shall be in accordance with current requirements of the California Department of Fish and Game.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Planning and Zoning Division

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

14g) ***Included on the plans for improving the service road; ongoing:*** To reduce the potential for mortality on the service road to a level less than significant, a maximum speed of ten miles per hour shall be required and all personnel driving will be instructed to watch for and yield to all wildlife. Specially designed “snake crossings” under the service road may also be required.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Building Services Division; Zoning Inspection

14h) ***Implemented in conjunction with the Habitat Enhancement Plan:*** Measures will be taken to prevent the spread of French broom on the site and to remove as much French broom from the site as possible in order to keep it from degrading higher quality whipsnake habitat.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection

15a) ***Implemented in conjunction with the Habitat Enhancement Plan:*** The operations and maintenance plan for the new exhibits shall include a weed management and control element. This should include monitoring the natural portions of Upper Knowland Park for infestations of non-native weeds, and implementation of control measures to prevent the weeds from degrading the natural vegetation.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection

Standard Conditions of Approval

SCA-BIO-1: Tree Removal During Breeding Season

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

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Tree Services Division
- Ongoing Monitoring Responsibility: Planning and Zoning Division; Tree Services Division

SCA-BIO-2: Tree Removal Permit

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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Tree Services Division
- Ongoing Monitoring Responsibility: Tree Services Division

SCA-BIO-3: Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

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

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

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

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.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Tree Services Division
 - Ongoing Monitoring Responsibility: Tree Services Division

SCA-BIO-4: Tree Protection During Construction

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

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the Consulting Arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the Consulting Arborist from the base of any protected tree at any time. No burning

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Consulting Arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Consulting Arborist, such tree cannot be preserved in a healthy state, the Consulting Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Tree Services Division
 - Ongoing Monitoring Responsibility: Tree Services Division

SCA-BIO-5: Whipsnake Habitat, Biological Monitor

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

If the project is located within confirmed Alameda Whipsnake Habitat area, the project applicant shall hire an on-site biological site biological monitor shall instruct the project superintendent and the construction crews (primarily the clearing, demolition and foundation crews) of the potential presence, status and identification of Alameda Whipsnakes. The biological monitor shall also provide information to the Planning and Zoning Division on the steps to take if a whipsnake is seen on the project site, including who to contact, to ensure that whipsnakes are not harmed or killed, as regulation by the federal Endangered Species Act.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

SCA-BIO-6: Whipsnake Habitat, Placement of Debris

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

If the project is located within confirmed Alameda Whipsnake Habitat area, the project applicant shall ensure that the placement of construction debris is limited to the area immediate adjacent to the foundation of the proposed buildings or and to the area between the foundation and the street. Install flexible construction fencing at the limit of work line (approximately ten feet beyond the foundation of the proposed building other than in the direction of the street). Such construction fencing shall limit the placement of construction materials and construction debris to inside the fencing.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-BIO-7: Whipsnake Habitat, Barrier Fence

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

If the project is located within confirmed Alameda Whipsnake Habitat area, the project applicant shall install a solid fence to prevent whipsnakes from entering the work site. The snake barrier shall be constructed as follows and shall remain in place throughout the entire construction period:

- a) Plywood sheets at least three feet in height above ground. Heavy duty geotextile fabric approved by U.S. Fish and Wildlife Service and California Department of Fish and Game may also be used for snake exclusion fences;
 - b) Buried four to six inches into the ground;
 - c) Soil back-filled against the plywood fence to create a solid barrier at the ground;
 - d) Plywood sheets maintained in an upright position with wooden or masonry stakes;
 - e) Ends of each plywood sheet overlapped to ensure a continuous barrier; and
 - f) An exclusion fence shall completely enclose the work site or construction area or approved traps shall be installed at the ends of exclusion fence segments to allow capture and relocation of Alameda whipsnake away from the construction area by a qualified biologist.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Planning and Zoning Division
 - Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-BIO-8: Whipsnake Habitat, Downsloping Lots

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

If the project is located within confirmed Alameda Whipsnake Habitat area, the project applicant shall install erosion control devices, such as hay bales, at the downhill limit of construction line to prevent rocks and soil from moving downhill. No erosion control materials with plastic or nylon monofilament netting shall be

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

used.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

SCA-BIO-9: Creek Protection Plan

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

- a) The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.
- b) If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Planning and Zoning Division
 - Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

SCA-BIO-10: Regulatory Permits and Authorization

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

The project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following:

- a) U.S. Army Corps of Engineers (Corps): Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.
- b) Regional Water Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.
- c) California Department of Fish and Game (CDFG): Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.

To implement SCA-BIO-10, the applicant shall submit any application for a regulatory permit for review and approval by the Planning Director prior to submitting the application to the regulatory agency. The applicant shall provide the Planning Director the opportunity to participate in any

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

communications/negotiations that take place during the permitting process. The City of Oakland reserves the right to, at any time, object to the applicant's application for a regulatory permit if the permit would be inconsistent with the amended Master Plan, as conditioned, and/or the purposes and intent of the approval of the amended Master Plan.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; RWQCB; Corps; CDFG
- Ongoing Monitoring Responsibility: RWQCB; Corps; CDFG

SCA-BIO-11: Creek Monitoring

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

A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

SCA-BIO-12: Creek Landscaping Plan

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

The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.

- a) Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.
- b) All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.
- c) All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

or impervious surfaces shall occur only on approved areas.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-BIO-13: Creek Dewatering and Aquatic Life

Prior to the start of and ongoing throughout any in-water construction activity

- a) If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain aquatic life (native fish, native amphibians, and western pond turtles) below the dam or other artificial obstruction.
- b) The project applicant shall hire a biologist, and obtain all necessary State and federal permits (e.g. CDFG Scientific Collecting Permit), to relocate all native fish/native amphibians/pond turtles within the work site, prior to dewatering. The applicant shall first obtain a project-specific authorization from the CDFG and/or the USFWS, as applicable to relocate these animals. Captured native fish/native amphibians/pond turtles shall be moved to the nearest appropriate site on the stream channel downstream. The biologist/contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts

shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the CDFG and/or the USFWS, as applicable.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection; Regulatory Agency, as applicable
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection; Regulatory Agency, as applicable

SCA-BIO-14: Creek Dewatering and Diversion

Prior to the start of any in-water construction activities

If installing any dewatering or diversion device(s), the project applicant shall develop and implement a detailed dewatering and diversion plan for review and approval by the Building Services Division. All proposed dewatering and diversion practices shall be consistent with the requirements of the Streambed

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

Alteration Agreement issued by the California Department of Fish and Game.

- a) Ensure that construction and operation of the devices meet the standards in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- b) Construct coffer dams and/or water diversion system of a non-erodible material which will cause little or no siltation. Maintain coffer dams and the water diversion system in place and functional throughout the construction period. If the coffer dams or water diversion system fail, repair immediately based on the recommendations of a qualified environmental consultant. Remove devices only after construction is complete and the site stabilized.
- c) Pass pumped water through a sediment settling device before returning the water to the stream channel. Provide velocity dissipation measures at the outfall to prevent erosion.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection; Regulatory Agency, as applicable
 - Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection; Regulatory Agency, as applicable

SCA-BIO-15: Vegetation Management Plan on Creekside Properties

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

The project applicant shall submit a vegetation management plan for review and approval by the Planning and Zoning Division, Fire Services Division, and Watershed Program of the Public Works Agency that includes, if deemed appropriate, the following measures:

- a) Identify and do not disturb a 20-foot creek buffer from the top of the creek bank. If the top of bank cannot be identified, leave a 50-foot buffer from the centerline of the creek or as wide a buffer as possible between the creek centerline and the proposed site development.
- b) Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect nesting habitat.
- c) Leave at least 6 inches of vegetation on the site.
- d) Trim tree branches from the ground up (limbing up) and leave tree canopy intact.
- e) Leave stumps and roots from cut down trees to prevent erosion.
- f) Plant fire-appropriate, drought-tolerant, preferably native vegetation.
- g) Err on the side of caution. If you don't know if a plant, tree or area is sensitive, ask for a second opinion before you cut.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- h) Provide erosion and sediment control protection if cutting vegetation on a steep slope.
- i) Leave tall shrubbery at least 3-feet high.
- j) Fence off sensitive plant habitats and creek areas to protect from goat grazing.
- k) Obtain a tree protection permit for a protected tree (includes all mature trees except eucalyptus and Monterey pine).
- l) Contact the City Tree Department (615-5850) for dead trees.
- m) Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat.
- n) Do not remove vegetation within 20-feet of the top of bank. If the top of bank cannot be identified, do not cut within 50-feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the proposed site development.
- o) Do not trim/prune branches that are larger than 4 inches in diameter.
- p) Do not remove tree canopy.
- q) Do not dump cut vegetation in a creek.
- r) Do not cut tall shrubbery to less than 3-feet high.
- s) Do not cut of short vegetation (grasses, ground-cover) to less than 6-inches high.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Planning and Zoning Division; Fire Services Division; Environmental Watershed Program
 - Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

New 2011 Mitigation Measure

Mitigation Measure BIO-1 (*Prior to construction activities in the California Exhibit area*): The project applicant shall prepare a wetland delineation of the site which shall be verified by the U.S. Army Corps of Engineers to confirm the extent of jurisdictional waters on the site, including the reach of Arroyo Viejo Creek and the entire California Exhibit area. As required under SCA-BIO-10, the project applicant shall obtain all necessary regulatory permits and authorizations and shall comply with all conditions issued by applicable agencies. In the remote instance that the 950-square-foot potential seasonal wetland is considered a jurisdictional waters of the State by the Regional Water Quality Control Board, a mitigation program shall be developed and implemented by the project applicant. If required, the mitigation program shall provide for a minimum 1:1 on-site replacement for this potential seasonal wetland feature, the mitigation program shall be approved by the Regional Water Quality Control Board, and any created habitat shall be monitored for a minimum of three years or until all success criteria have been met.

- Implementation Responsibility: Project Sponsor

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection; Regulatory Agency, as applicable
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection; Regulatory Agency, as applicable

CULTURAL RESOURCES

SCA-CULT-1: Archaeological Resources

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 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.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-CULT-2: Human Remains

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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-CULT-3: Paleontological Resources

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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

GEOLOGY AND SOILS

Revised 1998 Mitigation Measures²

- 2a) ***Prior to issuance of a grading permit and installation of drainage improvements:*** Facilities and infrastructure improvements should be designed to control runoff so that it is not directed over unprotected slopes. Drainage improvements shall be designed to adequately collect surface water runoff and convey it to the proper storm drain system. A permanent storm drain shall be designed, installed, and maintained to catch water from the existing natural drainage pattern in Knowland Park above Stella Street. The water will be redirected to City storm drain system.
- 2c) Grading and construction activities shall be restricted to the dry season. Exposed surface areas shall be watered down, especially during construction, to reduce wind erosion.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Plan-Check
 - Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection
- 3a) Mitigation Measures 2a and 2c shall be implemented.
- 5c) ***Prior to issuance of a building permit:*** All proposed structures shall be designed and constructed in accordance with the Uniform Building Code and California Amendments. The interpretation of the applicability of the appropriate UBC standard for each proposed structure shall be determined by the Oakland Building and Engineering staff at the time of preliminary plan submittal.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Plan-Check
 - Ongoing Monitoring Responsibility: Building Services Division, Building Inspection
- 5d) ***Prior to issuance of a building permit:*** Proper earthquake-resistant techniques for securing indoor fixtures, machinery and furnishings within proposed structures shall be used during construction to minimize the risk of damage or injury from toppled objects.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Plan-Check
 - Ongoing Monitoring Responsibility: Building Services Division, Building Inspection
- 5e) ***Prior to final inspection of a building permit for each phase:*** The Zoo's Emergency Preparedness and

² The 1998 mitigation measures have been revised for the Master Plan amendment. For a discussion of these changes, see Section 3.4 Geology and Soils of the SMND/A. The revisions are also shown in underline and strike-out in Appendix C of the SMND/A.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

Response Plan and Animal Capture Plan shall be updated as proposed facilities are developed. The Zoo and Neighborhood (KPHA and SHRA) Associations will work together to educate the neighborhood about the Zoo's Emergency Preparedness and Response Plan and how it is implemented. This will be accomplished through written communication and a phone tree. The Zoo will provide a demonstration to the representatives of KPHA and SHRA of the safety of the animal enclosures in case of a natural disaster.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Planning and Zoning Division

Standard Conditions of Approval

SCA-GEO-1: Soils Report

Prior to issuance of a building permit

A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

B. Test pits and trenches

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:

- a) Site description;
- b) Local and site geology;

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- c) Review of previous field and laboratory investigations for the site;
 - d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;
 - e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
 - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
 - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;
 - h) All other items which a Soils Engineer deems necessary;
 - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Plan-Check
 - Ongoing Monitoring Responsibility: Building Services Division, Building Inspection

SCA-GEO-2: Geotechnical Report

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. Specifically:

- i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
- ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
- iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.
- iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the “No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
- vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.
- vii. A peer review is required for the geotechnical report. Personnel reviewing the geotechnical report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

Implementation of **SCA-GEO-2** shall include the following in the geotechnical investigation prepared for the proposed California Interpretive Center:

- The design-level geotechnical investigation shall identify methods for site preparation and grading to stabilize existing fill areas and prepare the site for foundation and retaining wall construction. Measures may include reworking of existing fill soils, removal of oversized concrete and debris from fill, and crushing of oversized materials.
- The design-level geotechnical investigation shall confirm and revise 2007 California Building Code seismic design parameters as presented in this SMND/Addendum.
- The geotechnical design investigation shall include design recommendations for retaining walls, foundations, concrete slabs, pavements, walkways, surface and subsurface drainage measures, and utility trench construction and backfill. The foundations are anticipated to be spread footings, thickened mat slabs, pier and grade beam and other conventional foundation types.
- The geotechnical investigation shall outline the details of geotechnical plan review. Recommendations of the project geotechnical engineer shall be included in the final construction drawings, as approved by the City of Oakland.
- The geotechnical investigation shall identify the geotechnical observation and testing services recommended during construction. During construction the geotechnical engineer shall perform observations and testing services and shall prepare a final report documenting results of his or her work.
- The City of Oakland shall provide peer review of the design-level geotechnical investigation and grading plan. The Oakland Zoo shall be responsible for the cost of the review. Revisions to the report and the design of project facilities shall be made to satisfy review comments by the City of Oakland peer reviewer.
- During the construction phase, cut slopes, keyways, and grading for the building pad that expose bedrock shall be mapped by the project engineering geologist. An as-graded geologic map shall be prepared showing the details of observed features and conditions.
- The geotechnical investigation shall include a map prepared by a land surveyor or civil engineer that shows the locations and elevation of key features (e.g., keyways, subdrains and their cleanouts, cut slopes, and cut pads). The map shall include a statement that the locations and limitations of the features are accurate representations of said features as they exist on the ground; were placed on this map by the surveyor, the civil engineer or under their supervision; and are accurate to the best of their knowledge.
- Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Plan-Check
- Ongoing Monitoring Responsibility: Building Services Division, Building Inspection

HAZARDS AND HAZARDOUS MATERIALS

Standard Conditions of Approval

SCA-HAZ-1: Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction 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.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Zoning Inspection
 - Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

SCA-HAZ-2: Hazardous Materials Business Plan

Prior to handling, storage or transporting hazardous materials

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.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Fire Prevention Bureau
 - Ongoing Monitoring Responsibility: Fire Prevention Bureau

HYDROLOGY AND WATER QUALITY

Revised 1998 Mitigation Measures³

10a) Mitigation Measures 2a and 2c shall be implemented. (See Geology and Soils)

Standard Conditions of Approval

SCA-HYDRO-1: Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout grading and construction activities

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

³The 1998 mitigation measures have been revised for the Master Plan amendment. For a discussion of these changes, see Section 3.7 Hydrology and Water Quality of the Subsequent Mitigated Negative Declaration/Addendum (SMND/A). The revisions are also shown in underline and strike-out in Appendix C of the SMND/A.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

Division a copy of the SWPPP as 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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: SWRC; Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: SWRC

SCA-HYDRO-2: Drainage Plan for Projects on Slopes Greater Than 20 Percent

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

The project drawings for a building permit (or other construction-related permit) shall contain a drainage plan to be reviewed and approved by the Building Services Division. The drainage plan shall include measures to reduce the post-construction volume and velocity of stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties or creeks.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Plan-Check
- Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

SCA-HYDRO-3: Post-Construction Stormwater Management Plan

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

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

- a) The post-construction stormwater pollution 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; and
 - 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 pollution

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

management plan:

- i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
- ii. Pollutant removal information demonstrating that any proposed manufactured/ mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution 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 pollution management plan.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Plan-Check
- Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

SCA-HYDRO-4: Maintenance Agreement for Stormwater Treatment Measures

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.
- Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Zoning Inspection
 - Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

SCA-HYDRO-5: Erosion, Sedimentation and Debris Control Measures

Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable “Best Management Practices” (BMPs) for the construction industry, and as outlined in the Alameda

Countywide Clean Water Program pamphlets, including BMP’s for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

- a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- d) All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlets nearest to the creek side of the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- f) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- g) Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- h) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- i) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- j) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- k) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek.

- l) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).
- m) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.
- n) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.
- j) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- k) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek.
- l) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).
- m) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.
- n) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.
 - Implementation Responsibility: Project Sponsor
 - Initial Approval Responsibility: Building Services Division, Plan-Check
 - Ongoing Monitoring Responsibility: Building Services Division, Construction Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

NOISE

Standard Conditions of Approval

SCA-NOISE-1: Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

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

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 AM and 4:00 PM Monday through Friday.

Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

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.

No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.

No construction activity shall take place on Sundays or Federal holidays.

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.

Applicant shall use temporary power poles instead of generators where feasible.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

SCA-NOISE-2: 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 sensitive noise receptors as possible and they shall be muffled and enclosed within temporary sheds, or incorporate insulation noise 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.

To implement SCA-NOISE-2, the project applicant shall have a qualified acoustical consultant prepare a noise reduction implementation plan for City review and approval. The goal of the plan is to reduce noise impacts during Phase 1 at Receptor 4 and Receptor 6. The project applicant shall implement the approved plan.

The approved noise reduction implementation plan shall incorporate one or more of the following sound reduction measures or equivalent sound reduction measures:

Phase 1 Veterinary Medical Hospital. During construction activities, a 15-foot-high temporary sound barrier of 230 feet in length shall be placed between the proposed Veterinary Medical Hospital site and the southern and eastern residences. The sound barrier shall be placed at the edge of the parking lot closest to the Veterinary Medical Hospital location as shown in **Figure 3.9-1 of the SMND/A**. The sound barrier shall require a ten-foot return on each end and be oriented 45 degrees into the construction activities. Due to edge diffraction, the construction activities shall not approach the end of the wall returns by 50 feet. **Table 3.9-8 in Subsection 3.9.5.2 of the SMND/A** describes the temporary sound barrier wall height and the duration of the wall placement.

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

Phase 1 Service Road. A 12-foot-high temporary sound barrier segment of 475 feet in length shall be placed along the edge of the service road segment where the road bends and is oriented

nearest the southern residences as shown in **Figure 3.9-2 of the SMND/A** while roadway construction occurs. The sound barrier shall require a ten-foot return on each end and be oriented 45 degrees into the construction activities. Due to edge diffraction, the construction activities shall not approach the end of the wall returns by 50 feet. **Table 3.9-8 in Subsection 3.9.5.2 of the SMND/A** describes the temporary sound barrier wall height and the duration of the wall placement.

The temporary sound barrier shall be constructed of a sound blanket system hung on scaffolding to achieve the required height. This system is very effective in the reduction of construction noise and allows the ability to move or adjust the wall location. An alternative sound barrier design would consist of plywood installed atop a portable concrete K-Rail system. This alternative solution is effective in the reduction of noise and also allows the ability to move or adjust the wall location.

An alternative approach to the sound barrier would be to equip all of the heavy construction equipment used in the construction of the Veterinary Medical Hospital and the service road with acoustical silencers installed directly onto the construction equipment's exhaust system. This alternative mitigation solution would reduce the temporary construction noise impacts to below the City of Oakland's noise threshold limits.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-NOISE-3: Noise Complaint Procedures

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 type and 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.
- Implementation Responsibility: Project Sponsor

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

SCA-NOISE-4: 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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

PUBLIC SERVICES AND UTILITIES

Standard Conditions of Approval

SCA-SERVICES-1: Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

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 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

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

programs shall remain fully operational as long as residents and businesses exist at the project site.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Environmental Services Division
- Ongoing Monitoring Responsibility: Environmental Services Division

SCA-SERVICES-2: Fire Safety Phasing Plan

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal 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.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division; Fire Services Division; Building Services Division, Plan-Check
- Ongoing Monitoring Responsibility: Fire Services Division

SCA-SERVICES-3: Fire Safety

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

The project applicant and construction contractor will ensure that during project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Fire Services Division
- Ongoing Monitoring Responsibility: Fire Services Division

SCA-SERVICES-4: Stormwater and Sewer

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

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

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Plan-Check; Stormwater Division
- Ongoing Monitoring Responsibility: Stormwater Division

TRANSPORTATION AND CIRCULATION

1998 Mitigation Measures

26a) ***During construction:*** Construction traffic shall only use existing improved public roads.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

27a) ***Ongoing:*** To prevent heavy traffic from exiting the Zoo in one direction, traffic will be directed between Golf Links Road and 106th Avenue in order to balance the traffic flow. At no time will the Golf Links exit be closed to heavy traffic.

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Building Services Division, Zoning Inspection
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

Standard Conditions of Approval

SCA-TRANS-1: Construction Traffic and Parking

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

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

**EXHIBIT A: CITY COUNCIL ADOPTED CONDITIONS OF APPROVAL
STANDARD CONDITIONS OF APPROVAL/MITIGATION MONITORING AND
REPORTING PROGRAM (SCAMMRP)**

SCA-TRANS-2: Parking and Transportation Demand Management

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

The TDM plan shall also include strategies to reduce traffic congestion at the entrance to the Zoo on busy days when vehicle queues at the Zoo entrance kiosk extend into Golf Links Road, which may include formalizing the current Zoo practice of waving vehicles through the Parking Fee Gate without having to stop or be charged the regular Zoo parking fee. [Note: The preceding double-underlined language was added at the June 21, 2011, City Council meeting.]

- Implementation Responsibility: Project Sponsor
- Initial Approval Responsibility: Planning and Zoning Division
- Ongoing Monitoring Responsibility: Building Services Division, Zoning Inspection

AMENDMENT TO OAKLAND ZOO MASTER PLAN

CITY COUNCIL ADOPTED FINDINGS AND CONDITIONS OF APPROVAL

JUNE 21, 2011

Tree Permit

The attached Tree Permit approval (dated April 28, 2011) contains the findings and conditions for approval of the tree permit for phase one of the amended Master Plan. The basis to approve the permit is not limited to the findings contained therein, but also includes the information contained in the May 11, 2011, Parks and Recreation Advisory Commission staff report, the June 21, 2011, City Council Agenda Report, the adopted CEQA findings for the project, the adopted conditions of approval and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) for the project, the Subsequent Mitigated Negative Declaration/Addendum prepared for the project, and the entire record before the City.

TREE PERMIT

City of Oakland, Public Works Agency

Permit #T09-00019

Location: Oakland Zoo (9777 Golf Links Rd.)

Applicant: East Bay Zoological Society

Approved: April 28, 2011

Expires: One year from date of issuance.

Permit Type: City-Owned

Removal Approved		Preservation Required		
Tree Quantity	Identified As	Tree Quantity	Identified As	Protective Fencing Required
Seven (7) for the Veterinary Hospital	26A - 26F and 875	Twelve (12) + All Trees Near Perimeter Fence	<u>Veterinary Hospital</u> : 13, 26G, 27B, 101, 876. <u>Maintenance Road (partial)</u> : 15, 32, 33, 34, 35, 41, 843. <u>Perimeter Fence</u> : All Trees.	YES – Veterinary Hospital. Maintenance Road, from Veterinary Hospital up to, and including, tree 843.

As per Chapter 12.36 of the Oakland Municipal Code, the Protected Trees Ordinance (PTO), this permit approves the removal of seven (7) protected trees, based upon and subject to enclosed findings and conditions of approval. One tree is an almond and the other six are old shrubs (Escallonia sp., an evergreen shrub native to South America) that have grown large enough to qualify as small trees due to the definition of a tree in the PTO. This permit is effective five (5) working days after the date of this decision unless appealed to the Oakland Parks and Recreation Commission by 5:00 pm on May 5, 2011, as explained below.

The permit is necessary for the proposed construction at the Oakland Zoo, a City-owned property (and thus City-owned tree removal), of (a) a new veterinary hospital, (b) paving of the steep portion of an existing dirt maintenance road that travels uphill from the veterinary hospital to an area where it levels off near the southwest corner of the planned California Exhibit and (c) a perimeter fence around the California Exhibit and Ecological Recovery Zones, consistent with the amended Zoo Master Plan.

The tree permit application requested the removal of fifty-two (52) trees and the preservation of one hundred and ten (110) trees. The request was changed by the applicant to only include those trees affected by work proposed for the Phase I development described above. Work proposed for the California Exhibit itself is scheduled for later phases of the project and the trees involved in those phases will therefore be the subject of a later, separate tree permit application and decision.

If the applicant or any concerned resident seeks to challenge this decision, such appeal must be filed by no later than 5:00 p.m. on May 5, 2011. An appeal shall be on a form provided by Public Works Agency (PWA), Tree Section, submitted to same at 7101 Edgewater Dr. , Oakland, California, 94621. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion or wherein this decision is not supported by substantial evidence and must include payment of \$50.00 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude the applicant, or concerned resident, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure

to do so may preclude the applicant, or any concerned resident, from raising such issues during the appeal and/or in court.

OAKLAND MUNICIPAL CODE SECTION 12.36.050(A) FINDINGS

In order to grant a tree removal permit, the City must determine that removal is necessary in order to accomplish any one of five following objectives listed in Section 12.36.050(A) of the Oakland Municipal Code:

1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers;
2. To avoid an unconstitutional regulatory taking of property;
3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of this code);
4. To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Parks and Recreation shall constitute compliance with this criterion; or
5. To implement the vegetation management prescriptions in the S-11 site development review zone.

The Oakland Zoo's application complies with Objective 1 of Section 12.36.050(A). Seven (7) protected trees need to be removed to build the veterinary hospital. The trees are located within the footprint of the building or within the area of grading. No trees will be removed to pave a portion of the maintenance road or install the perimeter fencing.

OAKLAND MUNICIPAL CODE SECTION 12.36.050(B) FINDINGS

A finding of any one of four (4) situations is grounds for permit denial, regardless of the findings in subsection A noted above. No grounds for denial were determined as explained below:

1. Removal of a healthy tree of a protected species could be avoided by reasonable re-design of the site plan, prior to construction, Section 12.36.050(B)(1)(a), or by trimming, thinning, tree surgery or other reasonable treatment, Section 12.36.050(B)(1)(b).

Finding: It would be unreasonable to shift the foot print of the hospital about one hundred and thirty (130) feet to the southeast, or one hundred and eighty (180) feet to the northwest, in order to save a small, half-dead almond tree and six escallonia shrubs. Shifting the building in either direction will require the removal of native coast live oak trees that will be preserved and are a very valuable tree species in northern California. Trimming, thinning, etc. is a situation that does not apply since doing this type of tree work will not create space to construct the hospital.

2. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal, Section 12.36.050(B)(2).

Finding: Removal of the seven trees in question would not result in any of the problems listed, even if the hospital was not being built. Other, larger trees exist on the site, and the total square feet of soil protected by the approved tree removals is minimal. Roof drains, catch basins, sub-drains, a bioswale, retaining walls and a creek extension with rock weirs are planned and will certainly offset any impact of removing seven small trees.

3. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival, Section 12.36.050(B)(3).

Finding: This situation is intended for densely packed trees in a forest location where removals will cause trees on the interior of the stand to become perimeter trees, exposed to wind loads to which they are not adapted, creating an extreme risk of failure due to changed conditions. The approved removals are not part of a forest and will not impact other trees in the area in this manner.

4. The value of the tree is greater than the cost of its preservation to the property owner. The value of the tree shall be measured by the City Arborist using the criteria established by the International Society of Arboriculture (ISA), and the cost of preservation shall include any additional design and construction expenses required thereby. This criterion shall apply only to development-related permit applications.

Finding: Not applicable since this is a City-owned Tree Removal. Moreover, the half-dead almond tree has no value per the ISA formula. The value of the six escallonia shrubs cannot be calculated with the ISA formula since escallonia does not usually grow large enough to be considered a tree, and is not listed in Species Classification and Group Assignment, a booklet from the Western Chapter of the ISA, a required component for data when calculating value.

OAKLAND MUNICIPAL CODE SECTION 12.36.070(E) CEQA REVIEW

On April 27, 2011, the Oakland City Planning Commission adopted/approved the Subsequent Mitigated Negative Declaration/Addendum (SMND/A) and made the appropriate CEQA-related findings. The Public Works Agency, based upon its independent review, consideration, and the exercise of its independent judgment, relies upon, and adopts, the Planning Commission's CEQA-related findings and incorporates them by reference, as if fully set forth herein.

The monitoring and reporting of CEQA mitigation measures in connection with the Tree Removal Permit will be conducted in accordance with the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), which are hereby adopted as conditions of approval. Adoption of the Tree Removal SCAMMRP fulfills the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed standard conditions/mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

1. **Limitations on Tree Removals.** Tree removals, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not commence unless and until the applicant has obtained all other necessary permits pertinent to site alteration and construction.
2. **Defense, Indemnification & Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees. Within ten (10) calendar days of the filing of any Action as specified above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in the Approval, conditions of approval, mitigation measures, or other requirements that may be imposed by the City.
3. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
4. **Debris.** All debris from the tree removal work shall be removed from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the contractor, builder or owner shall promptly notify the Tree Services Division of such damage. If such tree cannot be preserved in a healthy state, the Tree Services Division shall require replacement of any tree removed with another tree or trees on the same site deemed adequate to compensate for the loss of the tree that is removed.
6. **Protection Fencing.** Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Arborist. Such fences shall remain in place for the duration of all such work. All trees to be

removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

A. Material. All fencing shall be chain-link, minimum six foot height, with vertical support poles installed in the ground. Support posts on moveable bases are not acceptable.

B. Veterinary Hospital. Fencing shall encircle the crowns and shall be installed at the drip line of trees 13, 26G, 27B, and 101.

C. Maintenance Road. The trees are listed in order when traveling uphill from the veterinary hospital to the limit of paving. Fencing shall be installed the following distances from the base of each tree: #15 – 4 feet, #34 – 4 feet, #33 – 8 feet, #32 – 10 feet, #35 – 6 feet, #41 – 3 feet and #843 – at the toe of the slope.

7. **Encroachment**. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within the fenced, protected perimeter of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

A. Veterinary Hospital.

a. Underground utilities and drainage shall be installed by boring under trees 27B and 101, a minimum of three feet depth. Drilling directly under the centerline of the trunks is recommended.

b. The subdrain outside of the drip line of tree 876 shall be hand dug. Roots less than 2"-diameter may be cut, if necessary, and only with hand tools. Roots 2"- diameter or larger shall be preserved unless inspected and approved for cutting by a Certified Arborist or a Consulting Arborist. The approval must be obtained prior to root cutting and the cutting shall be done under the direct supervisor of the Arborist. Hand digging shall be done for a minimum distance of 10 feet total in an east/west direction from the centerline of the trunk.

B. Maintenance Road. No paving shall be done north of tree 843, which is near the southwest boundary of the proposed California Exhibit.

C. California Exhibit Perimeter Fencing.

a. No tracked/wheeled vehicles or equipment shall be allowed under the drip line of any tree at any time.

b. Post holes shall be dug with a portable, hand-carried, gasoline powered posthole digger, or equivalent.

c. Post hole locations that encounter roots shall be adjusted to a root-free location, and roots shall not be cut, with the following exceptions; roots 1"-diameter or less may be cut on trees with trunk diameters (measured at 4.5 feet above grade) of 12" or less, and roots 2"-diameter or less may be cut on trees with trunk diameters more than 12". Roots shall be cut with hand tools.

8. **Miscellaneous**. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the drip line any protected trees. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the

- botanical classification, shall be attached to any protected tree. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
9. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.
 10. **Tree Contractors.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
 11. **Root Protection - General.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered during grading or construction, they may be cut only if they are less than 2"-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots 2"-diameter or larger may be cut only if inspected and approved by a Certified Arborist or a Consulting Arborist.
 12. **Pruning.** Construction personnel shall not prune trees on the site. Tree pruning shall be performed by qualified Zoo staff or a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
 13. **Tree Removal During Breeding Season.** 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.
 14. **Tree Replacement Plantings.** Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:
 - A. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
 - B. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.

- C. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- D. Minimum planting areas must be available on site as follows:
 - 1) For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - 2) For all other species listed in (B) 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.

15. Effectiveness of Approval; City Council Authority. This permit shall not become effective unless the amendment to the Zoo Master Plan is approved by the City Council. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) this adjudicatory land use decision, regardless of whether an appeal to the City Council is filed challenging this adjudicatory land use decision.

16. Recordation of Conditions. The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.

If you have any questions, please contact the undersigned at (510) 615-5852, however, this does no substitute for filing of an appeal as described above.

Mitch Thomson 4/28/11
 Mitch Thomson Date
 Arborist
 Certified Arborist WE-1937A
 Certified Tree Risk Assessor #907

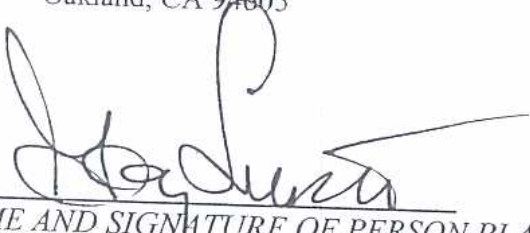
Robert Zahn 4/28/11
 Robert Zahn Date
 Senior Forester
 Certified Arborist WE-8102A

I certify that on April 28, 2011, a copy of this permit (Permit #T09-00019) was placed in the U.S. mail system, postage prepaid for first class mail, and sent to:

Dr. Joel Parrott
Oakland Zoo
P.O. Box 5238
Oakland, CA 94605

Thomas M. DeBoni
350 Elysian Fields Drive
Oakland, CA 94605

Ruth Malone
Co-Chair, Friends of Knowland Park
10700 Lochard Street
Oakland, CA 94605



NAME AND SIGNATURE OF PERSON PLACING IN MAIL

GAY LUSTER

4-28-11
DATE