STAFF REPORT

Case File Number: PLN15048, T1500023, ER15001

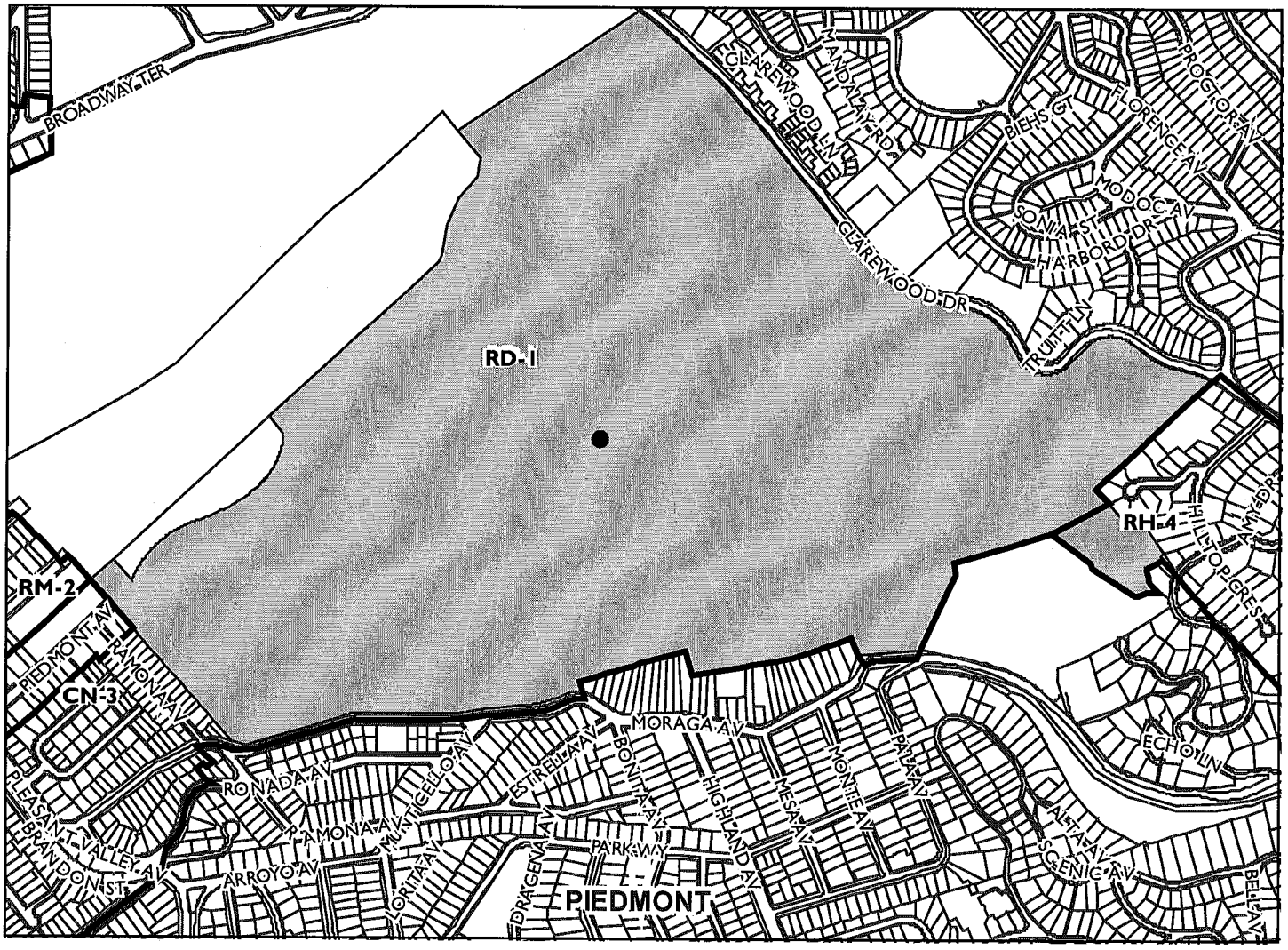
November 15, 2017

Location:	**Mountain View Cemetery (Piedmont Avenue, near Pleasant Valley);** 5000 Piedmont Avenue; APN: **048A700200302**
Proposal:	Expand cemetery development in currently undeveloped portions of existing cemetery to accommodate future additional burial sites.
Applicant:	Mountain View Cemetery Association, Jeff Lindeman, (510) 658-2588.
Owner:	Mountain View Cemetery Association
Planning Permits Required:	Major Conditional Use Permit, Design Review, Tree Removal Permit, Creek Permit, compliance with CEQA.
General Plan:	Urban Park and Open Space
Zoning:	RD-1: Residential Low Density
Environmental Determination:	Environmental Impact Report. The DRAFT EIR was released on June 15, 2016, and the 45-day public review period ended on August 1, 2016. The FINAL EIR was released on October 27, 2017.
Historic Status:	"A1+" rating and API, OCHS
Service Delivery District:	2
City Council District:	1 -- Kalb
Action to be Taken:	Consider making required CEQA and Planning Code findings, and decision regarding project application.
Finality of Decision:	Appealable to City Council.
For further information:	Contact case planner **Catherine Payne** at **510-238-6168**, by e-mail at **cpayne@oaklandnet.com**, or at 250 Frank Ogawa Plaza, Suite 2114, Oakland CA 94612

SUMMARY

The proposed project is an expansion of cemetery uses within the existing Mountain View Cemetery, located in north Oakland. At this time, the City of Oakland has circulated the Mountain View Cemetery Expansion Project Final Environmental Impact Report (Final EIR) and seeks Planning Commission approval of the proposed project, based in part on required California Environmental Quality Act (CEQA) and Planning Code findings. The proposed Mountain View Cemetery Expansion Project (project) includes developing currently undeveloped portions of the Cemetery site for the addition of future burial sites. The proposed project includes three separate but interconnected plots on the Mountain View Cemetery property. Developing the three parcels would include extensive grading and tree removal, extension of existing roadways through the three plots and improvements such as landscape walls and stairs, an amphitheater for gatherings, crypts and columbarium niches, and planting of new trees.

CITY OF OAKLAND PLANNING COMMISSION



Case File: ER15001
Applicant: Mountain View Cemetery Association
Address: 5000 Piedmont Avenue
Zone: RD-1

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and has prepared an Environmental Impact Report (EIR) for the Project. A Notice of Preparation (NOP) to prepare the EIR was published on February 6, 2015 and the public comment period ended on March 11, 2015. At public scoping sessions before the Landmarks Preservation Advisory Board (LPAB) and City Planning Commission, staff received comments and direction on what types of information and analysis should be considered in the EIR. The Notice of Availability for the Draft EIR (Attachment B) was prepared and released on June 15, 2016. The 45-day public comment period began on June 15, 2016 and ended on August 1, 2016. The Final EIR was prepared and released on October 27, 2017.

Oral comments on the Final EIR may be made at the November 15, 2017 Planning Commission public hearing pertaining to the entirety of project record. Written comments should be sent to the Bureau of Planning, to the attention of Catherine Payne (email and office addresses provided on first page of this report) and must be received before 4:00 p.m. on November 15, 2017). After all comments are received, the Planning Commission will consider certification of the Final EIR, as well as consideration of the project.

The purpose of this meeting is to receive any remaining public testimony and Planning Commission comments concerning the design, requested permits and environmental review issues associated with the Project. Staff has prepared the following recommended actions for the Planning Commission to review and consider:

(1) Adopt CEQA findings and certify the EIR; and

(2) Approve the Project's Planning-related permits, noted in this report subject to the conditions (including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)), requirements, and findings contained in this staff report.

PROJECT SITE AND SURROUNDING AREA

Mountain View Cemetery occupies a site of approximately 226 acres located primarily within the City of Oakland (with a small portion in Piedmont), surrounded by the Claremont Country Club and St. Mary Cemetery to the north, the City of Piedmont to the south, and Oakland residential neighborhoods to the east and west. The southeastern portion of the Cemetery also abuts the Piedmont Corporation yard and the adjacent Coaches Field/Kennelly Skate Park public recreation area. As a point of reference, the Chapel of the Chimes is located just outside the Cemetery's entrance at the end of Piedmont Avenue.

PROJECT BACKGROUND

Public Review and Input

The City of Oakland has held the following public hearings to consider aspects of the proposed Mountain View Cemetery Expansion Project:

- Landmarks Preservation Advisory Board (LPAB): On July 11, 2016, the LPAB held a public hearing to consider comments on the Draft EIR with regards to historic resources.
- Design Review Committee (DRC): On May 25, 2016, the DRC held a public hearing to review and comment on the proposed design of the project. Comments are summarized as follows:
    - Public Comments
        - Design project so as not to impact neighbors' views; Where revegetating to protect slope, use small trees (not redwoods); Concern that building up grade in Plot 98 and Panhandle could impact neighbors' views (both in terms of the grade change itself as well as the added vegetation)
        - As part of this project, could MVC remove existing, mature eucalyptus to northwest of project area to restore neighbors' views of Bay?
        - The lawn will require excessive water usage; Any oaks to be removed should be replaced in like-kind; What will the project look like from outside of the Cemetery (what will be public views of project)?
    - DRC Committee Member Comments:
        - Project should replace oak trees to be removed;
        - Protect and enhance view corridors;
        - Provide renderings from different perspectives to give sense of built project;
        - Provide sections to study views from neighboring properties;
        - How does Cemetery propose to activate amphitheater space?
        - In general, minimalist and sophisticated design is responsive to but does not attempt to replicate existing historic portion of the Cemetery.
        - Amphitheater will need shade and adequate seating;
        - Like water feature;
        - Like soft amphitheater platforms, but could be difficult to maintain;
        - the crypt/niche wall is very long and should be adequately detailed to reduce scale and avoid monotony;
        - Like high-quality materials.

- Planning Commission: On March 24, 2015, the Planning Commission held a scoping session public hearing prior to preparation of the EIR. On July 20, 2016, the Planning Commission held a public hearing to take oral and written comments on the Draft EIR prepared to analyze the proposed project. The Final EIR (see Attachment C to this report

includes the extensive list of public comments provided at the Planning Commission hearing and throughout the Draft EIR public review period). The City received a substantial number of comments on the Draft EIR, although the comments themselves were generally focused on a limited set of issues, including: concerns about proposed tree removal, concerns about water use and conservation, concern about the potential for impacts on historic resources, concerns regarding public notice and public review, and comments regarding the merits of the project.

Mountain View Cemetery History and Significance

Mountain View Cemetery was initially established in 1863, and the first and main portion of the cemetery was designed by renowned landscape architect Frederick Law Olmsted in 1864. The cemetery is an Area of Primary Importance (API) as assessed by the Oakland Cultural Heritage Survey (OCHS) and also has an A1+ rating, the highest possible historic rating, as a contributor to a larger funerary district including Mountain View, St. Mary's, and Home of Eternity cemeteries and the Julia Morgan-designed Chapel of the Chimes. Adjoining this group is an Area of Secondary Importance of associated cemetery uses on Piedmont Avenue (monument sales, florists and other supporting uses). The defining Olmsted design of the original portion of the cemetery (axial in arrangement but with a serpentine, sinuous layout) significantly contributes to the cemetery's eligibility for the National Register of Historic Places. Major additions to Mountain View cemetery occurred throughout the early twentieth century, including both buildings and burial areas.

The current proposal is located away from and does not affect the historic portion of the cemetery.

Current Mountain View Cemetery Condition

The Mountain View property currently encompasses 226 acres, although only approximately 160 acres are developed with cemetery uses. The historic portion of the cemetery (known as the Olmsted Master Plan Area) encompasses approximately fifty percent of the property (or approximately 115 acres), and more recent burial areas occupy approximately twenty percent of the property (or approximately 45 acres).

Proposed Project

The purpose of the proposed project, according to the Applicant, is to accommodate future burial sites within the existing undeveloped portions of the property, located away from the historic portions of the cemetery. The proposed project would provide for approximately 6,000 crypts and columbarium niches to allow Mountain View Cemetery to operate into the foreseeable future.

PROJECT DESCRIPTION

Mountain View Cemetery seeks development of portions of the less developed upper one-third of the cemetery to accommodate projected future need for additional burial sites. The proposed project includes development plans for three separate but interrelated development plots on the Cemetery property, all of which are entirely within the City of Oakland and the cemetery property. Each of the new development sites will be connected to the others by extensions of existing on-site roadways. The intent of the project is to develop new burial lots that are moderately flat, but which provide a gentle pitch to the west, offering panoramic views of the San Francisco Bay and skyline.

The Applicant has revised the proposed project in response to comments received on the Draft EIR. Although the project description is similar to the original proposal in terms of the overall design concept, the Applicant has made the following key revisions:

- Grading: The revised design reduces the extent of grading in order to reduce disturbance at the edges of the plots. The reduced grading area allows preservation of 20 additional mature Coast live oak trees at the edges of the affected plots.
- Retaining walls: The revised design incorporates low retaining walls and tree wells near the outer edges of grading to retain mature, healthy trees.
- Replacement trees: The revised design includes replacement of all removed Coast live oak trees with new Coast live oaks at a 1:1 ratio in 24" boxes.
- Additional trees: The revised design includes the planting of 10 new 60" box oak trees and 40 new 24" box oak trees (in addition to the 1:1 replacement ratio).

The development plans for each of the three new burial plots proposed as part of this project are described in more detail below:

- Plot 82: Plot 82 is the northernmost area in this proposal. This approximately 3-acre site would host approximately 2,800 burial sites, including crypts and columbaria. The proposed design includes:
    - Relocation of an existing roadway to loop around the edges of the plot;
    - Removal of approximately 115,000 cubic yards (cy) of soil and rock: This extensive cut will provide fill for other portions of the project. The grading will recontour the steep grade of the site to create a gently sloped area appropriate to burial sites;
    - Removal of up to 57 protected trees; Planting of at least 57 replacement trees, in addition to the provision of additional ornamental accent trees;
    - Provision of burial and landscape features, including:
        - New pathway connecting to the previously developed portions of the cemetery;
        - Open lawn for burial sites; and
        - Retaining wall (to include niches for burial), landscape stairs, and outdoor amphitheater for gatherings.

- Plot 98: Plot 98 is located southeast and up-hill of Plot 82 (described above), connected by the existing ridgeline road. This site is higher in elevation than Plot 82. Plot 98 is approximately two acres and would include up to 2,000 new burial sites. The proposed design includes:
    - Design improvements to the existing roadway;
    - Recontouring of the site by filling with 52,000 cy soils material from Plot 82 to create a five- to ten-foot higher, gently contoured area with views to the San Francisco Bay;
    - Removal of up to 28 protected trees; Planting of at least 28 replacement trees, in addition to the provision of additional ornamental accent trees;
    - Provision of burial and landscape features, including:
        - New pathway around the perimeter of the site;
        - Moderately sloped lawn area for burial sites;
        - Retaining walls; and
        - Niche areas to shield burial areas from an existing water tank adjacent to the site.
- Panhandle: The Panhandle is the southeastern-most of the three plots included in this proposal, and is adjacent to Plot 98. The approximately 2.5-acre plot would include up to 1,500 new interment sites. The plot is located in both Oakland and Piedmont; however, development would only occur in Oakland. The proposed design includes:
    - Design improvements to the existing roadway;
    - Recontouring to raise the grade of the lower portion higher in elevation than the existing grade. Approximately 48,000 cy fill would come from Plot 82.
    - Removal of potentially up to 49 protected trees; Planting of at least 49 replacement trees, in addition to the provision of additional ornamental accent trees;
    - Provision of burial and landscape features, although not entirely designed, including:
        - Improvements to the existing pathways onsite; and
        - Burial site area.

Summary of Proposed Revisions to Project Description Specific to Tree Removal and Plantings

Tree Species	Removal	Replacement 24" (meet code)	Additional		Net Change
			24"	60" (exceed requirements)	
Coast Live Oak	98 (6 in poor condition)	92	40	10	+ 44
Other Species	36	36	139		+ 139
Total	**134**	**128**	**179**	**10**	**+ 183**

GENERAL PLAN ANALYSIS

The entire Mountain View Cemetery is located in the Urban Park and Open Space (UPOS) General Plan Land Use Designation. The intent of the UPOS is "to identify, enhance, and maintain land for parks and open space. Its purpose is to maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment." (Land Use and Transportation Element of the General Plan—LUTE, p. 158). The desired character of the UPOS is "urban parks, schoolyards, cemeteries, and other active outdoor recreation spaces" (LUTE, p. 158). In terms of the applicable intensity and density of development in the UPOS, "policies call for 'no net loss' of open space" (LUTE, p. 158). The cemetery, and expansion of burial use within the existing cemetery, is entirely consistent with the desired use and intensity specified in the General Plan.

Applicable objectives of the Open Space, Conservation, and Recreation Element of the General Plan (OSCAR), include:

- Objective OS-2: To maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.
    - Policy OS-3.3: Retain golf courses and cemeteries as open space areas: "...There are five cemeteries in Oakland, including three which adjoin each other in the North Hills, and two others in Central East Oakland. In addition to their role as an open space resource, the cemeteries are an important cultural, spiritual, and historic resource for the city." (OSCAR, p. 2-26)

The proposed project is an expansion of burial uses (and associated grading and landscaping) in an existing cemetery site. The proposed project is consistent with the specific policies of the General Plan regarding the cemetery use, development and maintenance.

ZONING ANALYSIS

Mountain View Cemetery is located entirely within the RD-1: Residential Low Density Zoning District of the Oakland Planning Code (RD-1). Under the Oakland Planning Code (OMC, Title 17), cemeteries are classified as an "Extensive Impact Civic" land use activity and require a Conditional Use Permit (CUP) in the RD-1 zoning district. As such, any expansion of the cemetery use on-site requires a CUP, as well. The proposed expansion is an unenclosed facility outside of any required setbacks and complies with the zoning regulations in terms of development standards.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Scope

The City is the Lead Agency pursuant to CEQA and has the responsibility to prepare the EIR for the Project. An Initial Study was not prepared for the Project, as permitted by Section 15060(d) of the CEQA Guidelines. A Notice of Preparation was issued on February 6, 2015 and scoping sessions were held before the LPAB and the City Planning Commission prior to the end of the public comment period on March 11, 2015.

The Mountain View Cemetery Expansion Draft EIR was prepared to evaluate potential environmental impacts of the proposed Project described above. The Draft EIR addresses the following environmental topics identified in City of Oakland's CEQA Thresholds of Significance at a level of detail warranted by each topic:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise

The Draft EIR also includes a discussion of other less-than-significant effects, including agriculture and forest resources, greenhouse gas emissions/global climate change, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

All impacts, City Standard Conditions of Approval and mitigation measures identified in the Draft EIR are summarized in Table II-1 (see Attachment C) at the end of the Summary chapter, Chapter II of the Draft EIR. Table II-1 also identifies the level of significance of the impact after City Standard Conditions of Approval and recommended mitigation measures are implemented. All of the environmental effects of the Project can be reduced to less-than-significant levels through implementation of Standard Conditions of Approval and application of mitigation measures. The Draft EIR does not identify any significant unavoidable impacts.

Project Alternatives

Chapter V of the Draft EIR analyzes in detail five alternatives to the proposed Project meeting the requirements of CEQA, which include a reasonable range of alternatives to the Project that would feasibly attain most of the Project's basic objectives, and avoid or substantially lessen many of the Project's potentially significant environmental effects. The five CEQA alternatives analyzed in Chapter V include:

- *Alternative #1: No Project / No Development Alternative*: The No Project Alternative describes conditions that are reasonably expected to occur in the event that the Project is not approved. Under this outcome, the Project site (proposed Plots 82, 98, and the Panhandle) would remain as undeveloped cemetery property. While it is likely that Mountain View Cemetery would seek to develop a different project on this property that could accommodate at least a portion of the Cemetery's future burial site needs, no other project other than those alternatives discussed below is foreseeable.

- *Alternative #2: Reduced Project – Plot 82 and Plot 98 Only*: The Reduced Project Alternative provides a comparative assessment of an alternative development program for the Project that reduces the extent of proposed grading operations at Plot 82 such that it would generate less excess cut material and result in a smaller cemetery site. The extent of grading at Plot 82 would be specifically designed to generate only as much excess fill as can be accommodated at the Plot 98 site. The reduced extent of grading would also reduce the number of trees to be removed as compared to the project. This alternative would result in fewer total future burial sites than the project, and would not include new cemetery development at the Panhandle site, portions of which are immediately adjacent to residential neighbors at Stark Knoll Place. Alternative #2 would lessen certain of these already less than significant impacts of the project.

- *Alternative #3: Larger Plot 82 Site – Off-Haul of Excess Soil*: Alternative #3 seeks to accommodate Mountain View Cemetery's primary purpose of accommodating the Cemetery's projected 15-year need for additional burial sites by utilizing a greater portion of the undeveloped property in the Plot 82 area (i.e., expanding the Plot 82 site upwards into Hill 500). Expansion of the Plot 82 site with additional grading into Hill 500 would generate excess soil similar in quantity as that generated by the project. However, rather than reusing this excess soil elsewhere on site to create burial sites at Plot 98 and the Panhandle, all excess soils generated by grading activity at the expanded Plot 82 location would be off-hauled to a landfill or other appropriate location.

  This alternative would result in a larger Plot 82 site, expanded further towards the northwest and away from adjacent residential neighbors. It would not include cemetery development at the Plot 98 and Panhandle sites, portions of which are immediately adjacent to residential neighbors at Stark Knoll Place.

- *Alternative #4: Stark Knoll Buttressing Alternative*: Alternative #4 is similar to the project in that it involves grading the Plot 82 site as proposed, and uses the excess earth from Plot 82 at the Plot 98 and Panhandle sites. It differs from the Project in that this alternative explores the potential for a different grading concept for the Panhandle, whereby fill material would be placed against the Stark Knoll hillside at a 2:1 slope (run: rise) to the top of the hillside, serving as a buttress against potential slope movement, instability and erosion.

- *Alternative #5: Blasting to Remove Existing Bedrock*: Alternative #5 is similar to the Project in all respects except in the method for removal of the large rock mass located

within the approximate center of the Plot 82 site. Traditional excavation techniques may prove difficult or ineffective against this hard rock, and special excavation techniques will likely be required. The Project Description indicates removal of this large rock mass by breaking it up into smaller pieces using a pneumatic drill, and then using a ram hoe to crush the fractured pieces into smaller rock suitable for use as fill material. This alternative considers a different method for removing this rock mass, involving blasting the chert bedrock into small pieces.

The Applicant has indicated that, as an option, they may request permission from the City of Oakland to pursue Alternative #5. The Applicant would be required to notify neighbors regarding their construction noise management plan under either the proposed project or Alternative #5 option. In addition, and as noted in the Draft EIR, should the Applicant pursue Alternative #5, they would be required to seek input from neighbors regarding the blasting program. It should be noted that, with the incorporation of standard conditions of approval and additional mitigation measures, this alternative would not result in any significant and unavoidable impacts.

As noted above, the Draft EIR concluded the Project would not result in any project specific or cumulative significant and unavoidable impacts. However, CEQA requires an EIR to identify an environmentally superior alternative which would feasibly attain most of the Project Applicant's objectives while avoiding or lessening the Project's significant effects on the environment. The Draft EIR identifies the environmentally superior alternative as the No Project/No Build Alternative because in that alternative, no demolition or new construction activities would occur. Under CEQA, if a No Project Alternative is identified as the environmentally superior alternative, the EIR shall identify a second environmentally superior alternative development among the other alternatives. In this case, the environmentally superior development alternative is the Reduced Project (Alternative #2). The environmental effects of Alternative #2 would be similar to those of the proposed project, but the lesser extent of grading and associated earthwork under Alternative #2 would reduce the relative magnitude of the many environmental effects as compared to the proposed project. Alternative #2 would reduce the extent of project-related impacts pertaining to: Aesthetic Resources, Air Quality, Biological Resources, Geologic Hazards, Hydrology and Water Quality, and Noise.

Publication and Distribution of the Draft EIR

The Draft EIR was made available for public review on June 15, 2016. On June 15, 2016, the Notice of Availability for the Draft EIR was mailed to property owners within 300 feet of the project area, distributed to State and local agencies, posted on the Project site, and mailed and e-mailed to Interested Parties. Copies of the Draft EIR were also distributed to City officials, including the Planning Commission, and are available at the office of the Bureau of Planning (250 Frank H. Ogawa Plaza, Suite 3315), and the City's website at http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157
This is item 43.

Final EIR

A Notice of Availability and Release (NOA/R), along with the Response to Comments Document (which together with the DEIR make up the Final EIR) was published on October 27, 2017. The Response to Comments Document includes written responses to all comments received during the public review period on the Draft EIR and at the public hearings on the Draft EIR held by the LPAB and Planning Commission, as well as revised or clarified text. The Final EIR was provided under separate cover for review and consideration by the Planning Commission; the NOA/R was sent to all commenters. The Final EIR is available to the public at the Planning Department office (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website at
http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157
under item 43.

The FEIR includes changes made to the Draft EIR. Changes are made to the project description, Air Quality, Biology, and Hydrology sections. The changes are in response to comments received on the Draft EIR and constitute information that clarifies or amplifies, or makes insignificant modifications to the adequate Draft EIR (consistent with CEQA Guidelines Section 15088.5b). As such, the changes to the Draft EIR do not require recirculation of the Draft EIR.

KEY ISSUES

Revised Project Design

The Project applicant has revised the originally proposed Project in response to public comments on the Draft EIR and staff recommendations. The intent of this Revised Project design, outlined elsewhere in this report, is to preserve in place more Coast live oaks, to include more Coast live oaks in the replacement planting mix, and to include larger Coast live oaks as part of the proposed new landscape plan for the Project. Replacement planting of protected Coast live oaks and other protected tree species proposed for removal will exceed the 1:1 ratio required under the City's Tree Protection Ordinance.

Relationship of Project to Existing Cemetery

As noted above, the Mountain View property currently encompasses 226 acres, although only approximately 160 acres are currently developed with cemetery uses. The historic portion of the cemetery (known as the Olmsted Master Plan Area) encompasses approximately fifty percent of the property (or approximately 115 acres), and more recent burial areas occupy approximately twenty percent of the property (or approximately 45 acres). The Olmsted Master Plan Area is located in the southwest portion of the Mountain View Cemetery property. The three proposed project plots are located north and east of the Olmsted Master Plan Area. The project area is located away from (and not contiguous with) the Olmsted Master Plan Area.

Project Phasing

The project applicant is requesting a non-standard life for the land use entitlements (see Condition of Approval 2). The City of Oakland Standard Conditions of Approval allow for a two-year life of permit, "unless a different termination date is prescribed." The project applicant wishes to deliver the project in up to three phases over a period of 15 years. The proposed phases are as follows:

- Phase 1: Phase 1 would include all grading operations, with all cut and fill placed on the plot sites. Phase 1 construction would likely take four months.
- Phase 2: Delivery of Plot 82 irrigation systems and landscaping, as well as any building permits.
- Phase 3: Delivery of Plot 98 and Panhandle irrigation systems and landscaping, as well as any building permits.

Delivery of the proposed project would add up to 6,300 individual burial plots, providing approximately 15 years of additional operational capacity beyond current conditions. The proposed 15-year life of permit would allow the applicant to deliver improvements with substantial irrigation requirements as they are needed (as opposed to within two years of approval, which could be thirteen or more years before Plot 92 and/or the Panhandle are needed to accommodate demand). In addition, the extended permit life consolidates extensive construction activities (grading and earth moving) into a single phase, as opposed to three phases over an extended period of time. Staff supports approach to project delivery which is both water-conserving and consolidates construction effects for neighbors.

Final EIR

The Final EIR includes written responses to comments received on the Draft EIR and insignificant revisions to the Draft EIR. The Final EIR does not identify any significant and unavoidable environmental impacts under the California Environmental Quality Act (CEQA). The City received a substantial number of comments on the Draft EIR, although the comments themselves were focused on a limited set of issues, including: concerns about proposed tree removal, concerns about water use and conservation, concern about the potential for impacts on historic resources, concerns regarding public notice and public review, and comments regarding the merits of the project. Comments received did not require significant modifications to the Draft EIR that would render the Draft EIR inadequate or otherwise trigger recirculation of the Draft EIR.

CONCLUSION

In summary, based on the analysis contained within this report and the EIR, staff believes that the proposed Project is an appropriate development project which coincides with the overall objectives of the General Plan. Specifically, the project continues operation of the existing cemetery land use in a park-like setting consistent with current operations and use of the site. In addition, the Project is generally compatible with the surrounding residential area and will preserve the look and feel of the cemetery as a neighboring use.

RECOMMENDATION FOR PLANNING COMMISSION

Staff recommends that the Planning Commission:

(1) Adopt the CEQA findings, including certification of the EIR; and

(2) Approve the Mountain View Cemetery Expansion Project Major Conditional Use Permit, Design Review, Tree Permit and Creek Permit, subject to the conditions (including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)), requirements, and findings contained in this staff report.

Prepared by:

Catherine Payne, Planner IV

Reviewed by:

Robert Merkamp, Development Planning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:

Darin Ranelletti, Deputy Director
Bureau of Planning

Attachments:

A. Proposed Project Plans, dated June 22, 2017
B. Final EIR Notice of Availability and Release
C. Mountain View Cemetery Expansion Project Final EIR (including previously circulated Draft EIR and Response to Comments document that, together, comprise the Final EIR) (provided under separate cover to the Planning Commission and available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK058861 and at http://oaklandnet/home/government/o/PBN/OurServices/Application/DOWD009157

Mountain View Cemetery Expansion Project (case file PLN15048, ER15001)

November 15, 2017

Required Findings (California Environmental Quality Act, Major CUP, Design Review)

Certification of the EIR and CEQA Findings for the Approval of the Mountain View Cemetery Project

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code section 21000 et seq.), and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.), by the City of Oakland Planning Commission, in connection with the Environmental Impact Report (SEIR) prepared for the Mountain View Cemetery Expansion Project ("the Project"), SCH # 2015022037.

2. These CEQA findings are attached and incorporated by reference into the staff report and resolution associated with approval of the Project. Conditions of approval, which include the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"), are attached as Exhibit A.

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

II. PROJECT DESCRIPTION

4. The Project, which is the subject of the EIR, is located within the Mountain View Cemetery, occupies a site of approximately 223 acres located primarily within the City of Oakland, surrounded by the Claremont Country Club and St. Mary Cemetery on the north, the City of Piedmont on the south, and Oakland residential neighborhoods to the east and west. The Project site consists of approximately 7.5 acres of currently undeveloped land within the upper hillside portion of the Cemetery. The Project site includes development plans at three separate but interrelated development plots on the Cemetery property, all of which are entirely within the City of Oakland.

The three new development sites will be connected to each other and to the existing portions of the Cemetery by extensions of on-site roadways. The grading operation needed to develop these sites as desired by Mountain View Cemetery is an interrelated cut-and-fill plan that will move existing soils from proposed cut locations to proposed fill locations, with a resulting cut and fill balance on site. The intent of the Project is to develop new burial sites that are gently pitched to the southwest, offering panoramic views of the San Francisco Bay and skyline. All grading operations are to be completed at one time, with all cut and fill placed on the plot sites as a single operation. However, final design plans and individual plot sales and development are to be implemented in phases for operational and economic purposes. Opening of Plot 82, including installation of irrigations systems and landscaping, will comprise Phase 1. Phase 2 will include final development of Plot 98, and opening of the Panhandle site for burial use will be the final phase of the Project. Activities at the new burial sites will be the same as the majority of the Cemetery, primarily a pastoral and scenic area with occasional burial services and visitors. With a design capacity of approximately 6,300 individual plots among the three development sites, the

Project would provide Mountain View Cemetery with approximately 15 years of additional operational capacity.

The Project as presented in the Draft EIR has revised in response to public comments on the Draft EIR and staff recommendations. The Revised Project is designed to preserve in place more Coast live oaks, to include more Coast live oaks in the replacement planting mix, and to include larger Coast live oaks as part of the proposed new landscape plan for the Project. Replacement planting of protected Coast live oaks and other protected tree species proposed for removal will exceed the 1:1 ratio required under the City's Tree Protection Ordinance.

5. The Project includes approval of a Conditional Use Permit and regular Design Review. According to the City Planning Code, cemetery use is considered an "extensive impact use," requiring approval of a Conditional Use Permit for expansion. Under the City of Oakland Standard Conditions of Approval, permits expire after two years unless a different termination date is prescribed. Modification to the Standard Conditions of Approval to accommodate build-out of the Project over a 15-year period is requested as part of the Conditional Use Permit. The Project is also subject to the City of Oakland's regular design review process, as it includes new construction requiring a CUP.

6. Implementation of the Project also requires a number of other permits/approvals from the City, including but not limited to:

   a. Grading permits: City of Oakland grading permits will be required for the proposed Project. Applications for these grading permits may be submitted after zoning approval, or concurrent with the CUP application.

   b. Building Permits: Pursuant to the City of Oakland Building Code, the Project's proposed retaining walls and mausoleum and/or columbaria walls will each require building permits prior to construction.

   c. Tree Removal permits: The Project's proposed sub-surface excavations and soils remediation process and finish grading operations will require removal of certain existing trees. Tree surveys have been conducted to identify the location, health and suitability of existing trees, and to determine which trees will need to be removed and which trees will remain and require protective measures to ensure their preservation. Tree Removal permits will be needed for all qualifying trees that are to be removed.

   d. Creek permit. Based on the Project site's location relative to the nearest defined creek, City approval of a Category III Creek Permit (for projects that are more than 100 feet from the centerline of a creek, but that involve extensive grading) will be required prior to any grading or construction activity.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

7. Pursuant to CEQA and the CEQA Guidelines, the City determined that an EIR would be prepared for the Project. On February 6, 2015, the City published a Notice of Preparation (NOP) to prepare an EIR for the Project, which was circulated to responsible agencies and

interested groups and individuals for review and comment. A copy of the NOP and the comments thereon are included in Appendix A of the Draft EIR. To obtain comments on the scope of the Draft EIR, the Planning Commission held a hearing on March 4, 2015. Written and oral comments received by the City on the NOP and scoping session were taken into account during the preparation of the EIR.

8. Following preliminary evaluation of potential environmental impacts of the Project, consultation with City staff and other agencies, and review of comments received as part of the scoping process, the following environmental topics are addressed in detail as separate sections of the Draft EIR:

   a. Aesthetics

   b. Air Quality and Greenhouse Gas Emissions

   c. Biological Resources

   d. Cultural and Paleontological Resources,

   e. Geology and Soils,

   f. Hazards and Hazardous Materials

   g. Hydrology and Water Quality

   h. Noise and Vibration

Other factors, including Agricultural and Forestry Resources, Greenhouse Gas Emissions/Global Climate Change, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems are also covered in Chapter 4.9 (Other Less then Significant Effects) of the EIR.

9. The City prepared a Draft EIR to analyze the Project's potential to have a significant impact on the environment. The Draft EIR was circulated for a 45-day public review period (from June 16, 2016 to August 1, 2016), which met the legally required 45-day comment period. The City held duly noticed public hearings on the Draft EIR. The City of Oakland Landmarks Preservation Advisory Board held a hearing to obtain comments on the Draft EIR on July 10, 2016. The Planning Commission held a hearing to obtain comments on the Draft EIR on July 20, 2016.

10. The City received written and oral comments on the Draft EIR. The City prepared responses to comments and, where necessary, made minor clarifications to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Response to Comments/Final SEIR ("Final SEIR) on _____, 2017. The Draft EIR, Final EIR, and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available on _____, 2017, __ days before the duly noticed _____, 2017 Planning Commission public hearing. The Notice of Availability and Release of the Final EIR was distributed to those state and local agencies who commented on the NOP and Draft EIR, posted at the Project site, mailed to property

owners within 300 feet of the Project site, and mailed/emailed to individuals who have requested to specifically be notified of official City actions on the Project. Copies of the Draft IR and Final EIR were also made available or distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the City offices and the City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft EIR have been published and made available to all commenting agencies at least 10 days prior to the public hearing to consider certification of the EIR. The Planning Commission has had opportunity to review all comments and responses thereto prior to consideration and certification of the EIR and prior to taking any action on the Project.

IV. THE ADMINISTRATIVE RECORD

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

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

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

    c. All information (including written evidence and testimony) presented to the Landmarks Preservation Advisory Board and Oakland Planning Commission by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission

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

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

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

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

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

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

12. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Deputy Director of the Bureau of Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, in Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

13. The Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

14. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

15. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project, including the Conditional Use Permit and regular Design Review, as well as other permits/approvals from the City, including grading permits, building permits, Tree Removal permits, and a Category III Creek Permit, and taking all other actions and recommendations as described in the staff report to which these CEQA findings are attached. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, and any minor modifications to the Project or variants described in the EIR.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

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

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

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

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

19. The Standard Conditions of Approval ("SCA") set forth in the SCAMMPR are specific and enforceable and capable of being fully implemented by the efforts of the City of Oakland, the applicant, and /or other identified public agencies of responsibility. As appropriate, some Standard Conditions of Approval define performance standards to ensure that no significant environmental impacts will result. The SCAMMPR adequately describes implementation procedures and monitoring responsibility to ensure that the Project complies with the adopted Standard Conditions of Approval.

20. The Planning Commission will adopt and impose the feasible conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted Standard Conditions of Approval or mitigation measures to substantially lessen or eliminate all of the Project's significant environmental effects where feasible.

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

VIII. FINDINGS REGARDING IMPACTS

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

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

IX. SIGNIFICANT AND UNAVOIDABLE IMPACTS

24. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that no impacts of the Project will remain significant and unavoidable, with required implementation of the City's Standard Conditions of Approval (SCA or SCAs), including project-specific required measures, as set forth below. Approval of the Project is not dependent upon a Statement of Overriding Considerations.

X. POTENTIALLY SIGNIFICANT BUT MITIGATABLE IMPACTS

25. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval (SCA or SCAs), the Planning Commission finds that no further changes or alterations are required of, or incorporated into the components of the Project as necessary to mitigate or avoid potentially significant effects on the environment. There are no potentially significant impacts that require implementation of Project mitigation measures or alternatives to reduce such impacts to a less than significant level, other than implementation of SCAs, including project-specific required measures (which are incorporated into and an integral part of the SCAMMRP).

XI. POTENTIALLY SIGNIFICANT and LESS THAN SIGNIFICANT IMPACTS ADDRESSED THROUGH IMPLEMENTATION OF SCAs

26. The following impacts will be reduced to less than significant through required implementation of the City's SCAs:

    a. Impact Aesthetics-3 finds that the Project would remove scenic trees from the site, including trees that are specifically visible from state and locally designated scenic routes. This impact will be reduced to less than significant through implementation of the City's SCA #27. SCA #27 requires that adequate protection be provided during the construction period for any trees which are to remain standing (including any detailed recommendations of an arborist), and replacement tree plantings for all tree removals,

for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade.

b. Impact Air-1 finds that the Project will generate fugitive dust from grading, hauling, and construction activities. This impact would be reduced to less than significant through implementation of the City's SCAs #19 and #24. SCA #19 includes the Bay Area Air Quality Management District's (BAAQMD) best management practices for fugitive dust control, and is required for all construction activities associated with the Project. In addition, SCA #19 requires all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM. SCA #19 also requires the Project sponsor to wet down areas of soil at least two times per day, establish shut-down conditions based on wind and soil migration, establish a hotline for surrounding community members who may be potentially affected by project-related dust, limit the area subject to construction activities at any one time, limit the amount of soil in hauling trucks to the size of the truck bed secured with a tarpaulin, enforce a 15 mph speed limit for vehicles entering and exiting construction areas, sweep affected streets with water sweepers at the end of the day, install and utilize wheel washers to clean truck tires, apply soil stabilizers to inactive areas, and sweep off adjacent streets as necessary to reduce particulate emissions. The Project sponsor also would be required to designate an individual to monitor compliance with these dust control requirements. SCA #24 requires the project applicant to comply with all applicable laws and regulations regarding construction in areas of naturally occurring asbestos, including but not limited to the BAAQMD Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations. These regulations require preparation and implementation of an Asbestos Dust Mitigation Plan to minimize public exposure to naturally occurring asbestos. Evidence of compliance shall be submitted to the City upon request.

c. Impact Bio-1 finds that the Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. However, there is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. The Project will be required to implement City's Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat. This SCA requires that a pre-construction survey be conducted if vegetation removal and construction is to be initiated during the breeding/nesting season (from March 15 through August 15), and will serve to mitigate potential impacts on bird species of concern to less-than-significant levels.

d. Impact Bio-4 finds that the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, there is a possibility that one or more species of birds could establish nests in trees and other vegetation that could be affected by construction activities. The Project will be required to implement City's Standard Conditions of Approval SCA

#26: Tree Removal during Breeding Season, to protect possible nesting habitat. This SCA requires that a pre-construction survey be conducted if vegetation removal and construction is to be initiated during the breeding/nesting season (from March 15 through August 15), and will serve to mitigate potential impacts on bird species of concern to less-than-significant levels.

e. Impact Bio-6 finds that the Project would not fundamentally conflict with the City of Oakland's Tree Protection Ordinance by removing protected trees. Factors considered in determining significance include the number, type, size, location and condition of the protected trees to be removed and/or impacted by construction, the number of protected trees to remain, and the proposed replacement with appropriate new tree species. The City of Oakland's SCA #27: Tree Permit applies to the Project, and includes requirements to secure a Tree Removal permit, to provide adequate protection of trees to be preserved during construction, and to provide replacement tree plantings to compensate for the protected trees to be removed, and ensure that the Project will comply with the City's Tree Protection Ordinance.

    (i) Based on detailed tree assessments conducted since publication of the Draft EIR, the original Project would have removed 154 trees, including 112 protected coast live oak trees, 6 coast live oaks in poor health or poor condition, and 36 protected trees of other species (including buckeyes, maples, olives, and elderberries). As more fully described in the Final EIR document, the Project applicant has reconsidered the grading proposal for the Project in an effort to preserve a greater number of trees, in particular to preserve more protected, larger oak trees. The now proposed Project includes tree wells, short retaining walls, feathered grading practices, and a lowering of fill against the Stark Knoll hillside. These measures would result in protection of an additional 20 mature oak trees, bringing the total number of protected oaks to be removed down from 112 coast live oaks, to 92. The tree protection measures now included in the Project would commensurately bring the total number of all protected trees to be removed down from 154 trees, to 134 trees.

    (ii) An additional 189 trees (178 of which are oaks) fall within the "Protected" category pursuant to the current Project. There are also many smaller (less than 4" dbh) oak trees along the Stark Knoll hillside that are not required by ordinance to be protected, but which would also be accorded protection under the Project. The Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that these "at risk" trees, as well as all trees beyond the "at risk" zone will be protected and preserved. With implementation of these required tree protection measures pursuant to the City's standard SCA #27, these at-risk trees and those trees identified as preserved, will not be removed.

    (iii) Pursuant to SCA #27, replacement tree plantings are required for removal of all "protected" native trees. The replacement tree plantings shall provide for

erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade. Consistent with the requirements of the Tree Preservation Ordinance and SCA #27, the Project will replace all removed coast live oaks with replacement coast live oaks on a 1:1 basis. The Project also includes planting 10 new large, 60" box oak trees and another 40 new, 24" box oak trees within the overall landscape plan, over and above the 1:1 oak replacement. Based on the Landscape Plan now proposed, the Project will include tree plantings that total 317 new trees, of which at least 143 new trees will be oaks. The Cemetery has indicated that, unless use of local genetic stock would result in lowered ability to fight disease due to narrowed genetic diversity, it will purchase local genetic stock for replacement trees if it is available and practical.

(iv) The additional number of tree now preserved under the currently proposed Project (20 more than originally assumed), the requirements for adequate protection measures for all "at risk" trees and all trees beyond the "at risk" zone, and replacement tree plantings as required for removal of all "protected" native trees (including replacement of all removed coast live oaks with replacement coast live oaks on a 1:1 basis), provides for consistency with the City of Oakland's Tree Protection Ordinance and will serve to mitigate potential conflicts with this ordinance requirements to a less-than-significant level.

f. Impact Cultural-2 finds that the Project area is unlikely to yield archaeological information important in history or prehistory, and the Project is unlikely to directly or indirectly destroy a unique archaeological resource or site, or cause a substantial adverse change in the significance of currently undiscovered archaeological resources. Although the likelihood of encountering intact archaeological deposits is considered low, there is the possibility that archaeological material may be located during construction activities. Site preparation, grading, and construction activities could adversely affect previously undiscovered archeological resources. Implementation of the City of Oakland's SCA #29 would reduce potential impacts to undiscovered archeological resources to a less than significant level. SCA #29 requires that, 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. SCA#29 similarly requires that, 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. The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. Implementation of SCA #29 will serve to mitigate potential impacts on archaeological resources to less-than-significant levels.

g. Impact Cultural-3 finds that construction within the Project area is unlikely to disturb any human remains, including those interred inside or outside of formal cemeteries. Although not anticipated, human remains may be identified during site-preparation and

grading activities, resulting in a significant impact to Native American and/or Euro American interments. Required implementation of the City of Oakland's SCA #31 would reduce potential impacts to unanticipated human remains to a less than significant level. SCA #31 requires that, 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. Implementation of SCA #31 will serve to mitigate any potential impacts related to the discovery of human remains to less-than-significant levels.

h. Impact Geo-1 finds that the Project will be constructed within areas containing unknown fill soils. These existing conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use. Pursuant to SCA #34: Soils Report, the Project's geotechnical engineer (Tillis-Hultgren) has reviewed boring and test pit data and has made general recommendations for appropriate grading practices to be implemented as part of the Project's design. To address the site's geologic constraints related to existing fill soils, the following grading practices are recommended in furtherance of SCA #34 and pursuant to the grading permit requirements found in the Oakland Municipal Code (OMC) section 15.04.660 to remediate poor soils conditions. Implementation of SCA #34 and the following site-specific required measures will serve to mitigate any potential impacts related to instability of unknown fill soils to less-than-significant levels.

(i) Plot 82 Over-Excavation: The Project's proposed grading plan for Plot 82 includes removal of approximately 100,000 cubic yards of material from this location to create a gradually sloped, near level cemetery site. The planned cuts within this area will be of sufficient depth to remove all existing fill. Over-excavation and removal of additional fill beyond this cut is not expected to be necessary.

(ii) Grading Near Existing Burial Sites: Plot 77, immediately adjacent to the Plot 82 site and adjacent to the ridgeline road, will be retained at its existing approximately 3:1 slope. Removal of fill material from this location is not anticipated. The condition of the area immediately downslope from Plot 77, within the Plot 82 site, will be checked during construction. If zones of loose fill or debris are encountered, additional grading may be required at the lower edge of Plot 77.

(iii) Plot 98 and the Panhandle: The existing fill near and below the footprint of Plot 98 and the Panhandle will need to be removed and re-compacted during grading, mixed with the relocated fill excavated from Plot 82.

(iv) North Access Road: The access road along the north side of Plot 98 and the Panhandle will be partially located on fill, and this fill extends downslope of the roadway. The fill below the road will be removed and replaced as a

compacted buttress, whereas the fill further downslope is expected to remain.

(v) Grading within Piedmont: Existing fill soil will not be removed from the area east of the Panhandle and within the City of Piedmont. No significant grading is planned in this area.

i. Impact Geo-2 finds that the Project will be constructed within areas containing landslide-prone materials. These existing conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use. Pursuant to SCA #34: Soils Report and subsequent grading permit requirements, the Project's geotechnical engineer has prepared recommendations to be applied to the Project's proposed earthwork and site preparation, to be implemented as part of the Project's design. To address the site's geologic constraints related to landslide-prone material, the following grading practices are recommended in furtherance of SCA #34 Implementation of SCA #34 and the following site-specific required measures will serve to mitigate any potential impacts related to instability of unknown fill soils to less-than-significant levels.

(i) Site Preparation: Surface soils and existing fill be removed, and the areas rebuilt as well-compacted fills. Grading will include construction of keyways into rock, benching into firm material and placement of subdrains. The future development sites will be cleared of brush, trees, stumps, and surface vegetation designated for removal. Brush, trees, and stumps will be removed from the site, and the site will be stripped to remove grasses and shallow roots.

(ii) Grading: The fill and cut slopes will be constructed in accordance with the typical details presented on EIR Figure 4.5-4 and 4.5-5. A keyway will be excavated at the slope toe. Keyways should be at least 20 feet wide, measured front to back. The keyway should extend through the surface soils and existing fill, and at least 5 feet into bedrock at the back of the keyway; at least 2 feet into bedrock at the front of the keyway for fill slopes, and at least 5 feet for cut slopes. Keyways should dip slightly into the hill. As the fill is extended up the hillside, benches will be excavated into the slope, exposing undisturbed bedrock. Benches at sub-drain locations should be at least 10 feet wide.

(iii) Retaining Structures / Mausoleums and Niche Walls: To minimize the need for extensive remedial grading outside of (and down-slope from) the grading limits, retaining walls maybe constructed and are planned for at certain locations at Plot 82 and at Plot 98 and the Panhandle.

(a) The retaining structures may consist of a soldier-pile and lagging walls, and to limit deflections, tiebacks may be needed in some areas. The design criteria for the walls will be provided as part of final building permit design.

(b) Design of foundations and flatwork for mausoleums or niche walls will also need to consider the presence of expansive soil material at foundation level and proximity to grave excavations. Recommendations for these structures will be presented as part of final building permit design.

(iv) Subdrains: New subdrains shall be installed at the rear of the excavated keyways and on benches above the keyway (as shown on EIR Figures 4.5-4 and 4.5-5).

(a) Sub-drains should consist of a free-draining layer of Class 2 permeable material meeting Caltrans' Standard Specifications. The permeable material should be at least 12-inches thick and extend up the face of the back cuts. The permeable material should cover at least 50 percent of the vertical height of the existing slope.

(b) The maximum height of excavated slope that is not covered by permeable material should not exceed 8 feet between subdrains.

(c) Four-inch diameter perforated collector pipes should be installed near the bottom of the Class 2 permeable material. The pipes should be underlain by at least 3-inches of permeable material. The sub-drain pipes should have a minimum slope of one percent and should drain to discharge to a suitable outlet. Sub-drain lines should include a clean-out riser that should be covered with a tamper-proof locking cap and a concrete Christie box.

(d) The sub-drains shall be connected to solid pipes that outlet to V-ditches, storm drains or paved areas. The discharge point of the down-drains should be covered with a heavy wire mesh to deter rodent access. The locations of subdrains and their cleanouts and outlets should be surveyed and marked on the as-built grading plans.

(v) Fill Materials: Fill placed at the site will be derived from the on-site excavations. Chert may generate large pieces of rock, depending on the method of excavation and massiveness of the rock. Boulders up to 3 feet in maximum dimension may be placed at least 3 feet below finished grade where burials are not planned. No rock fragments larger than 6-inches should be placed within 3 feet of finished grade or future gravesite areas. Wood, tree limbs, roots greater than 1-inch in diameter, tree stumps, metal and concentrated zones of common trash should be removed from existing fill during grading. Some debris (glass, plastic) that is well mixed within the existing fill may remain and be placed in the new, compacted fills. The contractor should stage grading such that existing fill containing debris is only placed in the lowest elevation of the fill below depths of future graves and excavations.

(a) Select fill placed at the site should be a soil or soil/rock mixture, free of deleterious matter and contain no rocks or hard fragments larger than 4-inches in maximum dimension, with less than 15 percent larger than 1-inch in maximum dimension.

(b) Select fill should have a low expansion potential, which for this site should be defined as having a Liquid Limit (LL) less than 40 and Plasticity Index (PI) less than 15.

(c) Select fill should be predominantly granular with 100 percent passing a 2-inch sieve and less than 30 percent passing the Number 200 sieve.

(d) Permeable material should meet requirements for Class 2 Permeable Material in accordance with Caltrans Standard Specification Section 68-1.025.

(e) Sub-drain pipe should be an ABS or PVC plastic pipe having a SDR of 23.5. The collection pipe should be nominally 4-inches in diameter and should have nominally ¼-inch diameter perforations at 12-inches or less longitudinal spacing. Sub-drain pipes should be placed with perforations down. Cleanouts should be solid 4-inch diameter SDR 23.5 pipe, and discharge pipes should be solid 6-inch diameter SDR 23.5 pipe.

(vi) Compaction: Fill shall be placed in lifts 8-inches or less, in loose thickness, and moisture conditioned to at least over optimum moisture content. Moisture conditioning should be performed prior to compaction. Each lift should be compacted to a least 90 percent relative compaction with a sheepsfoot compactor. A sheepsfoot compactor or equivalent equipment should be used for compacting soils. Materials that are too wet to compact should be spread out and aerated by tilling or discing to achieve a moisture content suitable for compaction. ASTM Test No. D-1557 should be used to assess relative compaction. The outside face of the slope should be over-filled (constructed fat) to allow the finished slope to be cut back to a well-compacted surface.

(vii) Slopes: Slopes should be inclined at 2:1 or flatter. Fill slopes should be constructed in accordance with the details shown on Figure 4.5-5. Cut slopes should include a slope buttress constructed in accordance with the details provided on Figure 4.5-4. Slopes should include surface benches and concrete V-ditches to collect surface water.

(a) The benches should be at least 10 feet wide, and at a vertical spacing of about 25 feet. The new V-ditches should drain to the existing storm drain system or paved areas.

(b) A V-ditch or lined swale should be located at the top of slopes or the area above the slopes should be graded to drain away from slopes.

(viii) Slope Creep and Setback: Slopes tend to creep downhill due to gravity forces. Structures located near tops of slopes will tend to move slowly downslope and settle. New structures, including retaining walls, crypt walls and graves, should not be founded within 10 feet of finished slopes that are inclined at 3:1 or steeper. A railing or fence should be considered at the top of steep slopes in public areas to improve safety and limit access to the slope face.

(ix) Hydro seeding: Shortly after completion of filling, slopes will be hydro-seeded and irrigated to establish groundcover to minimize surface erosion.

(x) Utility Trenches: Utility trenches will be set back far enough from structures (retaining walls) so they will not affect the planned foundations. The utility lines should not extend down below an imaginary plane inclined at 2:1 down and away from the base of footings. In the absence of local agency requirements, the following criteria for bedding and backfilling utility lines should be used.

(a) For pipes other than concrete storm drains, a bedding layer consisting of clean sand or fine gravel should be placed below and around pipes and extend at least 12-inches above their tops. The bedding thickness below the bottom of the pipe should be at least 3-inches.

(b) For concrete storm drains, the above bedding criteria may be modified by extending the sand or fine gravel bedding material only up to the spring line of the pipe, provided care is taken during placement and compaction of the fill around and above the pipe. Common fill may be used for trench backfill above the sand or fine gravel. Backfill materials should be placed and compacted as described above. Jetting should not be allowed for compacting backfill.

j. Impact Geo-5 finds that the Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to property or downhill creeks and waterways. The City of Oakland imposes SCAs to reduce soil erosion during construction for water quality purposes and to prevent excessive rilling or rutting of soil on construction sites. These SCAs include SCA#45: Erosion and Sedimentation Control Plan for Construction, SCA # 46: State Construction General Permit, and SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects. Pursuant to these SCAs, the Project applicant is required to submit an Erosion and Sedimentation Control Plan to the City for review and approval. That Plan shall include all necessary measures to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Project applicant will also be required to comply with requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB), including preparation of an approved Stormwater Pollution Prevention Plan (SWPPP), and other required permit registration documents. Furthermore, the Project will be required to comply with the requirements

of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The Project applicant will be required to submit a Post-Construction Stormwater Management Plan to the City for review and approval, and shall implement the approved Plan during construction. With implementation of City-required SCAs (including SCA #45: Erosion and Sedimentation Control Plan for Construction, SCA # 46: State Construction General Permit, and SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects), and incorporation of Applicable BMPs from the CASQA BMP Handbook, the Project's potential impacts pertaining to erosion would be reduced to a level of less than significant.

k. Impact Haz-2 finds that the Project's construction activities will likely utilize construction materials and fuels considered hazardous, and regular landscape maintenance of the expanded cemetery will likely involve the use of hazardous chemicals. Spills or accidents with these materials or chemicals could result in a significant impact to the health of workers and the environment. The City of Oakland imposes SCAs to prevent a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. These SCAs include SCA #35: Hazards Best Management Practices and SCA #41: Hazardous Materials Business Plan. Pursuant to these SCAs, the Project applicant is required to follow all applicable laws and regulations, to comply with Project-specific Best Management Practices for hazardous materials, and to store any hazardous materials according to manufacturer's recommendations and according to specifications established within a Hazardous Materials Business Plan (HMBP) to be reviewed and approved by Alameda County Environmental Health Department and compliance with Oakland Fire Code regulations. Compliance with existing regulations and applicable Standard Conditions of Approval will ensure the Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

l. Impact Hydro-1finds that the Project could result in substantial erosion, siltation, and pollution during construction, which could affect the quality of receiving waters. The City of Oakland imposes SCAs to reduce soil erosion during construction for water quality purposes. These SCAs include SCA#45: Erosion and Sedimentation Control Plan for Construction, and SCA # 46: State Construction General Permit. Pursuant to these SCAs, the Project applicant is required to submit an Erosion and Sedimentation Control Plan to the City for review and approval. That Plan shall include all necessary measures to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Project applicant will also be required to comply with requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB), including preparation of an approved Stormwater Pollution Prevention Plan (SWPPP), and other required permit registration documents. With implementation of City-required SCAs (including SCA #45: Erosion and Sedimentation Control Plan for Construction, and SCA # 46: State Construction General Permit, the Project's potential impacts pertaining to erosion would be reduced to a level of less than significant.

m. Impact Hydro-2 finds that the Project would result in increased storm water runoff from the site, potentially creating a new source of polluted runoff that could degrade downstream water quality. The City of Oakland imposes SCAs to reduce potential water pollution during on-going operations. Since the Project's roadway improvements, paths, and walls will create and/or replace more than 10,000 square feet of impervious surfaces, the Project is regulated under NPDES regulations as required pursuant to SCA #50. Pursuant to provision C.3 of the Municipal Regional Stormwater Permit issued under the NPDES, the Project applicant will be required to submit a Post-Construction Stormwater Management Plan (SWMP) to the City for review and approval. The SWMP shall identify the location and size of all new and replaced impervious surfaces, the directional surface flow of stormwater runoff, and the location of proposed on-site storm drain lines. Additionally, measures to reduce stormwater pollution shall be incorporated, potentially including site design measures to reduce the amount of impervious surface area, source control measures to limit stormwater pollution, and stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to size the treatment measures based on hydraulic criteria. Additionally, the Project applicant will be required to enter into a Maintenance Agreement with the City to accept responsibility for the construction, operation, maintenance, and inspection of all elements of the SWCP. With implementation of City-required SCA #50, the Project's potential impacts pertaining to polluted runoff would be reduced to a level of less than significant.

n. Impact Noise-1 finds that construction activity at the Project site would include use of heavy grading, rock breaking and other construction equipment that would temporarily increase noise levels at surrounding sensitive receptors to noise levels exceeding City construction-period thresholds. In consideration of the limited duration of grading and construction activity and the required implementation of all reasonable and feasible noise attenuation measures pursuant to the City's Standard Conditions of Approval, the construction-period noise impacts of the Project are considered less than significant with implementation of all required SCAs. These SCAs include the following:

    (i) SCA #58: Construction Days/Hours, which provides reasonable regulation of the hours of construction, generally limited to between 7:00AM and 7:00 PM Monday through Friday;

    (ii) SCA #59: Construction Noise, which requires preparation of a Noise Reduction Program for the Project that uses design, use, location and shielding of construction vehicles and equipment to ensure maximum feasible noise attenuation;

    (iii) SCA #60: Extreme Construction Noise, which requires additional measures to reduce noise from those construction activities that generate extreme noise exceeding 90 dBA, such as rock drilling and crushing at Plot 82;

    (iv) SCA #61: Construction Noise Complaints, which requires efforts to track and respond to noise complaints

In consideration of the limited duration of grading and construction activity (90 days or 16 weeks) relative to the City's standard practice of considering construction noise impacts to be significant only when the duration of the noise-generating construction period exceeds one construction season (typically one year or less), and the required implementation of all reasonable and feasible noise attenuation measures pursuant to the City's Standard Conditions of Approval, the general construction-period noise impacts of the Project are considered to be less than significant with implementation of all required SCAs.

27. The following impacts will be less than significant, but further reduced through required implementation of the City's SCAs:

a. Impact Air-2 finds that the Project will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust, but that these construction emissions will not result in average daily emissions that would exceed the City's significance thresholds for construction air quality of 54 pounds per day of ROG, NOX, or PM2.5 or 82 pounds per day of PM10. The Project will implement SCA #19, which will further reduce criteria pollutant emissions from construction equipment exhaust.

b. Impact Air-3 finds that toxic air contaminant (TAC) emissions resulting from construction activity at the Project site would not result in an increase in cancer risk level for the maximum exposed individual of greater than 10 in one million, would not exceed the chronic health hazard index of 1, and would not exceed the annual average PM2.5 concentration threshold of 0.3 ug/m3. The Project will implement SCA #19, which will reduce TAC emissions from construction equipment exhaust by requiring construction-related best management practices (e.g., reduced diesel engine idling time, and 45% reductions in diesel particulate matter emissions through such means as low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and add-on devices such as particulate filters), which would further reduce construction-related emissions and associated health risks.

c. Impact Geo-4 finds that the proposed Project would not expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking or seismic-related ground failure including liquefaction, lateral spreading, subsidence, or collapse. Construction of proposed retaining walls and the crypt wall at Plot 82 will be subject to existing building code requirements, which provide design parameters for computing lateral forces related to ground shaking. The Project will implement SCA #33 and SCA #34. Pursuant to SCA #33: Construction-Related Permits, the Project applicant will be required to obtain all required construction-related permits and approvals from the City, and the Project will be required to comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations. These code requirements and regulations ensure structural integrity and safe construction. Pursuant to SCA #34: Soils Report the Project applicant will be required to submit a soils report prepared by a registered geotechnical engineer for City review and

approval, and that report shall contain field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate project design. The project applicant will be required to implement the recommendations contained in the approved report during project design and construction. These reports will be required to demonstrate how geotechnical and seismic design criteria are to be integrated into any proposed structures, consistent with the seismic requirements set forth in the California Code of Regulations, Title 24 of the California Building Standards Code (CBC). Implementation of required SCAs #33 and #34 will ensure the application of current geotechnical design criteria required under the CBC and would reduce the potential impacts associated with seismic hazards such as ground shaking and secondary deformation to a less than significant level.

d. Impact Haz-3 finds that the Project would not expose people or structures to risks involving wildland fires. The Project site is not in or immediately adjacent to a fire hazard severity zone, but is located within the original boundaries of the Oakland Wildfire Prevention Assessment District, indicating that it is at high risk of loss or damage due to wildland fire. The Project will transform approximately 7.5 acres of the uppermost portions of the Cemetery in ways that will reduce the risk from wildland fire. Among other actions, the Project will remove non-native plants and dead trees and shrubs; provide new irrigated landscape and improved roads that will create a firebreak in this portion of the Cemetery; and result in improved maintenance that will reduce the likelihood of fuel buildup. Project development will also enhance site access for OFD apparatus and will improve access to water supplies. The Project will also be required to implement SCA #70 by preparing a Vegetation Management Plan to remove flammable vegetation on hillside slopes greater than 20%, prune lower branches of tall trees and clear out ground-level brush and debris, ensured through a maintenance agreement with the City that landscaping will be maintained. Additionally, it is recommended that the Project applicant provide a centralized Joss paper burner, specifically fitted with a cover, which can eliminate the spread of burning ashes while allowing enough oxygen in to ensure that all of the offering is completely burned. Implementation of required SCAs #70 and the EIR recommendations for a centralized joss paper burner will ensure risks of wildfire are reduced to a less than significant level.

e. Impact Hydro-4 finds that the Project would not substantially alter the course of any creek, or otherwise substantially alter (increase or decrease) stormwater runoff volume or the velocity of runoff into a receiving creek. Whereas it is generally possible that alterations to topography resulting from grading activities may reroute stormwater flows from current drainage patterns, and removal of mature trees could potentially affect site hydrology and water quality, these effects would be less than significant for the Project based on the Project's location and proposed grading Plan. Nevertheless, the Project will be regulated under NPDES, as required pursuant to SCA #50. Provision C.3 of these NPDES regulations require the Project applicant to submit a post-construction SWMP to the City for review and approval, showing all new and replaced impervious surfaces, the directional surface flow of stormwater runoff, the location of proposed on-site storm drain lines, and stormwater treatment measures that are hydrologically sized appropriate to runoff volume to remove pollutants from

stormwater. With implementation of the Storm Water Management Plan, operational water quality affects to the down-gradient Clarewood drainage would be further reduced and less than significant.

f. Impact Hydro-6 finds that the Project would not conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources. Because the Project involves substantial earthwork that will occur beyond the 20-foot setback from the top of the bank of a creek, SCA #54 applies to the Project. This SCA requires a Category III Creek Protection permit be issued for the Project. Pursuant to a Category III permit, the Project applicant shall submit a Creek Protection Plan for review and approval by the City, including Best Management Practices (BMPs) to be implemented during and after construction to protect the creek. The Creek Protection Plan shall also include site design measures to reduce the amount of impervious surface to maximum extent practicable, and new drain outfalls shall include energy dissipation to slow the velocity of the water at any point of outflow to maximize infiltration and minimize erosion to the creek. As applicable, the Project applicant shall include final landscaping details for the site on the Creek Protection Plan or on a Landscape Plan, for review and approval by the City. The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately. With implementation of the SCA #54 the Project would not conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.

g. Impact Transp-4 finds that the proposed Project would not result in temporary adverse effects on the circulation system during construction of the Project. The Project will be required to implement SCA #13: Construction Management Plan, which includes requirements for a Construction Traffic Management Plan to minimize potential construction impacts. Implementation of this SCA would further reduce any construction-period traffic impacts to a less-than significant level.

h. Impact Util-1 finds that the Project would not exceed water supplies available from existing entitlements and resources, and would not require or result in construction of water facilities or expansion of existing facilities that could result in environmental effects. The Project will be required to implement SCA #78: Green Building Requirements for Small Projects, which applies the Bay Friendly Basic Landscape Checklist to all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater. The Project meets or is able to meet all Checklist requirements, except the 25% turf requirement. The cemetery use proposed is dependent upon open lawn area, but the applicant should consider the potential use of Bay-Friendly Landscape Guidelines for Bay-Friendly lawn alternative plants. Implementation of this SCA would further reduce any impacts related to water supply to a less-than significant level.

i. Impact Util-4 finds that the Project would not generate solid waste that would exceed the permitted capacity of a landfill, nor would it violate any applicable federal, State or local statutes and regulations related to solid waste. The Project will be required to implement SCA #74: Construction and Demolition Waste Reduction and Recycling, which requires implementation of a recycling and waste reduction plan for construction and demolition activities that reduces the amount of waste generated during the construction phases of the Project. The Project would be required to comply with existing solid waste reduction requirements and would not violate applicable federal, State and local solid waste statutes and regulations. Implementation of this SCA would further reduce any impacts related to solid waste to a less-than significant level.

j. Impact Util-5 finds that the Project would not require more energy than what the local energy provider (PG&E) has the capacity to serve, nor would it require construction of new energy facilities or expansion of existing facilities that could cause significant environmental effects. The Project would be subject to the requirements of currently applicable federal, State and local statutes and regulations relating to energy standards. The Project will be required to implement SCA #78: Green Building Requirements for Small Projects. Implementation of this SCA would further reduce any energy demand effects to a less-than significant level.

XII. EFFECTS FOUND TO BE LESS THAN SIGNIFICANT

28. The following impacts will be less than significant, and no SCAs are applicable and no mitigation measures are warranted:

a. Impact Aesthetics-1 finds that development of the Project would not have a substantial adverse effect on scenic views or vistas generally enjoyed by members of the public.

b. Impact Aesthetics-2 finds that the Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

c. Impact Aesthetics-4 finds that the Project would not create new sources of substantial light or glare that would substantially adversely affect day or nighttime views in the area.

d. Impact Air-4 finds the Project will not result in significant new operational emissions of criteria pollutants, carbon monoxide (CO) concentrations, or new sources of toxic air contaminants.

e. Impact Air-5 finds the Project would not expose new sensitive receptors to substantial levels of toxic air contaminants (TACs).

f. Impact Bio-2 finds the Project will not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

g. Impact Bio-3 finds the Project will not have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means.

h. Impact Bio-5 finds the Project would not fundamentally conflict with an applicable habitat conservation plan or natural community conservation plan.

i. Impact Cultural-1 finds that the Project as designed complies with the Secretary of the Interior's Standards for Rehabilitation, and does not affect the eligibility of the Mountain View Cemetery for listing in any local, state, or national historical registers. According to Section 15126.4(b)(1) of the CEQA Guidelines, if a project complies with the Secretary's Standards, the project's impact will generally be considered mitigated below a level of significance and thus is not significant. Because the proposed Project complies with the Secretary's Standards, it does not cause a significant adverse impact under CEQA.

j. Impact Geo-3 finds the Project will not result in substantial soil erosion, loss of topsoil or exacerbation of slope instability that could create substantial risks to life or property.

k. Impact Geo-6 finds the Project is not located above a well, pit, swamp, mound, tank vault or unmarked sewer line. There are no subsurface features that could cause a substantial risks to life or property.

l. Impact Geo-7 finds the proposed Project is not located above a landfill for which there is no approved closure and post-closure plan. The proposed Project is located above fill.

m. Impact Geo-8 finds the Project does not include the need for septic tanks or alternative wastewater disposal systems, so concerns relative to soils capable of adequately supporting such facilities are not relevant.

n. Impact Haz-1 finds the Project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and does not represent a significant hazard to the public or the environment.

o. Impact Haz-4 finds the Project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

p. Impact Haz-5 finds the Project site is not located near a public airport or private airstrip.

q. Impact Hydro-3 finds the Project site is located at a high elevation within the Oakland Hills, and not be susceptible to flooding hazards of any type.

r. Impact Hydro-5 finds the Project would not substantially deplete groundwater supplies, nor would it interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

s. Impact Noise-2 finds that Project construction is not expected to generate groundborne vibration that exceeds City of Oakland established criteria.

t. Impact Noise-3 finds the Project will not generate operational noise that would exceed the City of Oakland Noise Ordinance standards at adjacent sensitive receivers, will not expose persons to an interior Ldn or CNEL greater than 45 dBA, and will not expose new or existing noise-sensitive land uses to noise levels in excess of noise levels considered normally acceptable according to the land use compatibility guidelines of the Oakland General Plan.

u. Impact Noise-4 finds the Project site is not located within an area subject to airport land use plan or near a private airstrip, and would not expose people to excessive noise levels from aircraft activity.

v. Impact Ag-1 finds the Project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

w. Impact Ag-2 finds the Project would not conflict with existing zoning for agricultural use, or with a Williamson Act contract.

x. Impact Ag-3 finds the Project would not conflict with existing zoning for, or cause rezoning of forested land, and would not result in the loss of forested land or conversion of forested land to non-forest use.

y. Impact Ag-4 finds the Project would not involve any changes in the existing environment, which could result in conversion of Farmland to non-agricultural use or conversion of forested land to non-forest use.

z. Impact GHG-1 finds that construction and operation of the Project would not result in GHG emissions that exceed City thresholds of significance. Therefore, the Project would result in a less-than-considerable contribution to cumulative global climate change, and thus a less-than-significant impact.

aa. Impact GHG-2 finds that, because the estimated GHG emissions of the Project would not exceed the City's numeric significance threshold, development and implementation of the Project would comply with applicable plans, policies and regulations adopted to reduce GHG emissions.

bb. Impact Land Use-1 finds the Project would not physically divide an established community.

cc. Impact Land Use-2 finds the Project would not result in a fundamental conflict between adjacent or nearby land uses.

dd. Impact Land Use-3 finds the Project will not fundamentally conflict with any applicable City of Oakland, City of Piedmont, or other agency's land use plan, policy, or regulation.

ee. Impact Land Use-4 finds the Project will not fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

ff. Impact Mineral-1 finds the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

gg. Impact Mineral-2 finds the Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

hh. Impact Pop-1 finds the Project will not induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly.

ii. Impact Pop-2 finds the Project would not displace existing housing or people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.

jj. Impact Public Serv-1 finds the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objective for fire protection service.

kk. Impact Public Serv-2 finds the Project would not result in an increase in calls for police protection services or result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities or the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other Police Department performance objectives.

ll. Impact Public Serv-3 finds the Project would not result in new students for local schools, and would not require new or physically altered school facilities to maintain acceptable performance objectives.

mm. Impact Rec-1 finds the Project would not increase the use of existing neighborhood or regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.

nn. Impact Rec-2 finds the Project does not include recreational facilities nor does it require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

oo. Impact Transp-1 finds the Project would not result in a substantial increase in motor vehicle traffic and would not affect the capacity of roadways, intersections or arterials or highways, nor would it increase travel times for AC Transit buses.

pp. Impact Transp-2 finds the Project would not make, require, or result in alterations to the public circulation system, and therefore would not cause or expose public roadway users to permanent substantial transportation hazards. The Project would make alterations in the private internal circulation system of Mountain View Cemetery, which would be designed to accommodate increased vehicle and pedestrian use in the Project site, and would not expose Cemetery roadway users to permanent or substantial transportation hazards.

qq. Impact Transp-3 finds the Project would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect.

rr. Impact Transp-5 finds the Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

ss. Impact Util-2 finds the Project will not generate new wastewater flows and will not affect or otherwise exceed the wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board, exceed the capacity of existing wastewater treatment facilities, or necessitate the expansion of existing wastewater treatment facilities.

tt. Impact Util-3 finds the Project will include the expansion of existing stormwater drainage facilities, where construction of these facilities could cause a significant environmental effect.

XIII. FINDINGS REGARDING ALTERNATIVES

29. The requirements of CEQA Findings pursuant to Section 15091 of the California Environmental Quality Act (CEQA) Guidelines provide that; "no public agency shall approve or carry out a project for which an EIR has been certified, which identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." The potential CEQA Findings include:

(i) That changes or alterations have been required of, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR,

(ii) That changes or alterations to the Project would avoid or substantially lessen significant environmental effects as identified in the Final EIR, but that such changes or alterations are within the responsibility and jurisdiction of another public agency, and not the agency making the finding. Such changes

have been adopted by another agency, or can and should be adopted by such other agency.

(iii) Alternatives to the Project as identified in the EIR would avoid or substantially lessen significant environmental effects, but that specific economic, legal, social, technological, or other considerations make these alternatives infeasible.

b. The Planning Commission finds that changes or alterations have been required of, or incorporated into the project, which avoid or substantially lessen the Project's otherwise significant environmental effect, as identified in the Final EIR. All environmental impacts associated with the Project are either less than significant, or will be reduced to a level of less than significant through implementation of the City's Standard Conditions of Approval (SCAs).

c. The Planning Commission may approve the Project, inclusive of all identified SCAs, based on the written Findings of Sections IX, X, XI and XII (above), only. No other Findings regarding the Responsibility and Jurisdiction of another Agency, or Alternatives, are required.

30. The four potentially feasible alternatives analyzed in the EIR, in addition to Alternative #1, the No Project alternative required by CEQA, represent a reasonable range of potentially feasible alternatives that further reduce one or more already less than significant impacts of the Project. These alternatives include:

a. Alternative #2: Reduced Project – Plot 82 and Plot 98 Only

b. Alternative #3: Larger Plot 82 Site – Off-Haul of Excess Soil

c. Alternative #4: Stark Knoll Buttressing Alternative

d. Alternative #5: Blasting to Remove Existing Bedrock

31. The EIR describes each alternative, and compares the alternatives with each other and with the proposed Project. Alternative #2, the Reduced Project, is the environmentally superior alternative. Alternative #4 and Alternative #5 are also considered variants of the Project, as they describe variations to certain elements of the Project (i.e., a variant to grading adjacent to the Stark Knoll hillside, and a variant to methodology used for rock removal) that could be implemented as part of the Project.

32. The Planning Commission certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives.

33. The Planning Commission finds that Alternative #1, the No Project alternative is rejected as infeasible for the reasons given below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

a. Under the No Project Alternative, the Project would not be undertaken and the site would temporarily remain in its current condition. This alternative would temporarily avoid all of the Project's potentially significant impacts, but those potential impacts of the Project are otherwise reduced to a less than significant level through required implementation of the City of Oakland SCAs.

b. The No Project Alternative is rejected as infeasible because:

(i) The No Project Alternative (or not approving the Project as proposed) is unlikely to result in preservation of the existing environmental conditions. If the Project is not approved because of its design, it is likely that Mountain View Cemetery would reconsider their design proposal and any such redesign would likely have similar environmental implications as those identified for the proposed Project. If the Project is not approved for other reasons, the potential outcome may be that one of the other alternatives described below (Alternatives #2 or #3) would be proposed instead.

(ii) The entire Cemetery is dedicated under California Health and Safety Code provisions for use as a cemetery and related use. The City cannot deprive the Cemetery of use of their property for cemetery and related uses.

(iii) The No Project Alternative does not achieve any of the Project applicant's objectives to develop portions of the upper Cemetery in accordance with the dedication of this property for cemetery use, and to accommodate current market demands and future needs for additional burial sites.

34. The Planning Commission finds that Alternative #2, the Reduced Project (Plot 82 and Plot 98, only) is rejected as infeasible for the reasons given below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

a. The Reduced Project Alternative is an alternative development program for the Project site that reduces the extent of proposed grading operations at Plot 82, such that it would generate only the amount of excess cut material that could be accommodated at the Plot 98 site, thereby not involving the Panhandle site and the property immediately adjacent to and below the Stark Knoll hillside. As such, this alternative is smaller in area than the Project and reduces the extent to which impacts would occur.

b. The Reduced Project Alternative is rejected as infeasible because:

(i) The Reduced Project Alternative is not necessary to reduce or avoid any significant impacts of the Project that are not otherwise reduced or avoided through implementation of City of Oakland Standard Conditions of Approval. The Project as proposed (including new cemetery use at the Panhandle site and the property immediately adjacent to and below the Stark Knoll hillside) has not been found to result in any significant and unavoidable impacts. Differences between the proposed Project and the reduced Project Alternative are therefore a matter of degree, rather than of

significance as compared to City CEQA thresholds. For example, the reduced extent of grading pursuant to this Alternative would reduce the number of trees to be removed as compared to the Project. However, the Project's proposed tree protection measures and tree replacement plantings are consistent with the Tree Protection Ordinance requirements (i.e., a less than significant impact), and reducing the extent of tree removal is not necessary to reduce a significant impact of the Project pursuant to consistency with the Ordinance.

(ii) The entire Cemetery is dedicated under California Health and Safety Code provisions for use as a cemetery and related use. The City cannot deprive the Cemetery of use of portions of their property for cemetery and related uses.

(iii) The reduced Project Alternative does not achieve the Project applicant's objectives to accommodate current market demands and future needs for additional burial sites. The reduced Project Alternative could only accommodate a maximum of approximately 3,400 new burial sites, or approximately 54% of the number of burial sites as proposed under the Project. Assuming that the Project's 6,300 individual plots would provide Mountain View Cemetery with approximately 15 years of operational capacity, the Reduced Alternative would likely provide 7 to 8 years of additional burial capacity, and the Cemetery's need for additional burial sites would only be delayed for a relatively short period of time.

35. The Planning Commission finds that Alternative #3, the Larger Plot 82 Site (with off-haul of excess soil) is rejected as infeasible and environmentally inferior for the reasons given below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

a. The Larger Plot 82 Site Alternative would result in a larger Plot 82 site, expanded further towards the northwest and into the adjacent Hill 500, and would not include proposed cemetery development at the Plot 98 and Panhandle sites. Without relying on on-site re-use of the excess material cut from Hill 500 and from Plot 82, the overall grading scheme of the Project would need to be substantially altered. It is likely that a portion of excess material generated by cutting Hill 500 could be used to fill (rather than cut) the varying topography at Plot 82. However, it is estimated that this Alternative will generate as much or more excess material than does the proposed Project (i.e., in excess of 100,000 cubic yards of material). Since this material would not be reused on site, it would need to be off-hauled to an appropriate receiver site (either a landfill or a location in need of substantial fill soil).

b. The Larger Plot 82 Alternative is rejected as infeasible and environmentally inferior because:

(i) The Larger Plot 82 Alternative is not necessary to reduce or avoid any significant impacts of the Project that are not otherwise reduced or avoided

through implementation of City of Oakland Standard Conditions of Approval.

(ii) Since excess soils would not be reused on site, these soils would need to be off-hauled to an appropriate receiver site, either a landfill or a location in need of substantial fill soil. Using a typical 20 CY truck, and a total off-haul requirement of upwards of 100,000 CY of soil, this Alternative would require approximately 5,000 truckloads of off-hauled material. This off-haul of soil would substantially increase regional ozone precursor emissions and regional particulate matter emissions as compared to the Project.

(iii) It is likely that the additional emissions from truck hauling would exceed the City of Oakland's established construction-period threshold, and the associated air quality impact would be significant and unavoidable. This Alternative would also increase DPM and PM2.5 emissions as compared to the Project, and it is likely that the additional emissions from truck hauling would result in exceeding the City of Oakland's established health risk threshold for construction-period diesel concentrations, and the impact may be significant and unavoidable.

(iv) Based on a review of aerial photographs, there are a relatively similar number of oaks on Hill 500 as there are at the Plot 98/Panhandle sites, but the Hill 500 site also includes a large grove of mature eucalyptus trees (which are not considered a "Protected" tree under the Ordinance) that would also be removed. Whereas over 100 trees at the Plot 98/Panhandle sites would be preserved under this Alternative, tree removal at Hill 500 would likely offset these numbers such that the net difference in tree removal between this Alternative and the Project would be similar.

(v) Construction noise at the Plot 98/Panhandle site would not occur, and the resulting construction noise effects would be reduced at those sensitive receptor locations nearest to the Plot 98/Panhandle location. However, the construction noise would effectively be replaced by increased construction activity at the Plot 82/Hill 500 site, increasing construction noise at other sensitive receptors nearest to Hill 500, including at the Saint Theresa's Church and School along Clarewood Drive, and homes along Truitt Lane and near Clarewood Drive. This Alternative would also increase the number of potentially affected sensitive receptors at the northwesterly edge of the Cemetery, as the expanded Plot 82/Hill 500 site would crest the ridgeline and expose new sensitive receptors along Clarewood Lane, Harbord Drive, and Merrill Court to direct, line-of-sight construction-period noise.

(vi) The larger Plot 82 Alternative would include additional areas underlain by chert bedrock. Removal of these large rock masses to accommodate cemetery use would expand the area and duration of rock removal using extremely loud pneumatic drills and ram hoes.

(vii) This Alternative would result in a new significant impacts not attributable to the Project, and thus environmentally inferior to the Project.

36. The Planning Commission finds that Alternative #4: Stark Knoll Buttressing Alternative is rejected as infeasible and environmentally inferior for the reasons given below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

a. Alternative #4 is a variation to the Project that involves grading the Plot 82 site as proposed to smooth the existing irregular and steep grade and remove substantial portions of the hillside to accommodate future grave sites, places the excess earth from Plot 82 at the Plot 98 site (similar to the grading concept as proposed) and at the Panhandle. It differs from the Project in that this alternative explores the potential of a different grading concept for the Panhandle site whereby the excess fill material from Plot 82 would be placed against the Stark Knoll hillside as a buttress, providing greater stability against sloughing and soil movement of this hillside.

b. The Stark Knoll Buttressing Alternative is rejected as infeasible and environmentally inferior because:

(i) This Alternative is not necessary to reduce or avoid any significant impacts of the Project that are not otherwise reduced or avoided through implementation of City of Oakland Standard Conditions of Approval. Pursuant to the Project, the placement of fill at the toe of the Stark Knoll slope will serve to buttress the slope and generally improve overall stability. The Project will not create or worsen erosion or slope instability along this hillside, but rather will provide a measure of improved stability, and the Projects impacts are less than significant.

(ii) According to the Arborist's reports, there are at least 61 trees (50 of which are native oaks) that are growing along the steep sides of the Stark Knoll hill slope, and that are located above the Project's proposed fill line, which is approximately 12 to 15 feet above existing grade. Under the Proposed Project, these 61 trees are considered to be "at risk" and would require implementation of specific tree protection measures pursuant to the City's SCAs. However, under any of the identified techniques for further buttressing the Stark Knoll hillside, all of these existing "at risk" trees would need to be removed. They would either be filled over with the new slope, removed for adding the soil nailing and shotcrete facing to slope, or removed to enable construction and backfill of a retaining wall.

(iii) Construction activities along the Stark Knoll hillside would include tree removal, excavation, and construction and backfill operations that would be conducted immediately adjacent to the Project's neighboring residences on Stark Knoll Place. These grading and construction operations would be in addition to, and in closer proximity to these residences, than the similar operations as proposed under the Project, and could increase the potential

for short-term emissions of fugitive dust and other air quality emission, as compared to the Project.

(iv) Alternative #4 would re-grade the slope of the Stark Knoll hillside to a 2:1 slope, such that the toe of the new slope would be extended outward, nearer to the box culvert outlet that marks the beginning of a nearby ephemeral drainage. The new toe of slope would be approximately 50 feet from the box culvert location (approximately 90 feet closer than grading as proposed under the Project). Grading operations necessary to construct this slope could adversely affect this existing creek feature, either as a result of indirect erosion and sedimentation of the drainage channel, or potentially direct fill (depending on final slope design).

(v) This Alternative would result in substantially increased environmental effects as compared to the Project. It is thus rejected as environmentally inferior to the Project.

37. The Planning Commission does not reject Alternative #5: Blasting to Remove Existing Bedrock as infeasible or environmentally inferior to the Project, but instead finds it to be a potentially viable variant of the Project, subject to further permitting requirements.

a. An area within the central portion of Plot 82 is underlain by chert bedrock. The chert is hard, strong, and relatively massive. Traditional excavation (or "ripping") as proposed pursuant to the Project may be difficult, and excavations in the chert rock will likely require special excavation techniques. As indicated in the Project Description, removal of this large rock mass is assumed to be conducted by breaking it up into smaller pieces using a pneumatic drill to fracture the rock into pieces, and then using a ram hoe to crush the fractured pieces into smaller rock suitable for use as fill material. This process is estimated to last for approximately 10 construction days, or 2 weeks, and is characterized as a potentially extreme noise generating activity. This alternative considers an alternative method for removing this rock mass, involving blasting the chert bedrock down to planned excavation elevation. Most rock blasting explosives fall into the composite explosives category, with ammonium nitrate-fuel oil (ANFO) being the most prevalent. If blasting is performed, it is anticipated that subsequent excavations can be made to the depth of the blasted material with traditional graders and backhoes, and that pneumatic drilling of this massive rock would not be required. The Project applicant has requested consideration of this Project variant as it may decrease the duration of extreme noise generating activity, and may be preferable to the adjacent neighbors.

b. According to City of Oakland Ordinance, Section 5601.1.1.1, the possession, manufacture, storage, sale, handling, and use of explosives are prohibited. However, exceptions to this prohibition are possible for possession, storage handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices, with approval of a special permit from the Oakland Fire Department, Fire Prevention Bureau, review and approval of such a permit would require a third party review of permit details. No such permit has yet been applied for.

c. Blasting operations are also subject to State regulations intended to ensure that blasting operations are conducted in a manner that prevents accidental damage to surrounding properties. Pursuant to Chapter 3.2 of the California Occupational Safety and Health Regulations (CAL/OSHA) Subchapter 2, Article 7, a Blaster's License is required of all persons using and handling of explosives. The 2013 California Fire Code Chapter 56, and the California Code of Regulations Title 19, Subchapter 4, Article 6 includes, but is not limited to the following pertinent requirements related to potential blasting at the Project site:

(i) When blasting is done in congested areas or in close proximity to a structure, railway, or highway, or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(ii) Appropriate provisions (e.g., water) shall be available in brush areas to extinguish a fire that may occur from blasting operations.

(iii) Persons authorized to prepare explosive charges or to conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, guards, or woven mats to insure the safety of the public.

(iv) Blasting operations, except by special written permission of the Chief, shall be conducted during daylight hours.

(v) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam facilities, and flammable liquid and any similar lines, the blaster shall notify the appropriate representatives of such facilities, at least 24 hours in advance of blasting, specifying the location and intended time of such blasting.

(vi) Due precautions shall be taken to prevent the accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity.

d. Prior to the approval of any blasting variant for the Project, application for such blasting shall be made, reviewed and approved by the Oakland Fire Department, inclusive of all applicable State regulatory requirements (i.e., California Occupational Safety and Health Regulations and California Fire Code requirements).

38. The Planning Commission finds that the Project (with the potential variant of Alternative #5: Blasting to Remove Existing Bedrock) provides the best balance between the Project sponsor's objectives, the City's goals and objectives, the Project's benefits, and mitigation of environmental impacts.

XIV. STATEMENT OF OVERRIDING CONSIDERATIONS

39. The Planning Commission finds that the Project would not result in any significant and unavoidable impacts, and that all impacts of the Project are either less than significant, or will be reduced to a level of less than significant with implementation of City of Oakland Standard Conditions of Approval. The Planning Commission finds that there is no requirement to consider whether the Project's benefits outweigh any such significant effects, or to find overriding considerations for approval of the Project.

Major CUP (Planning Code Section 17.134.050)

17.134.050 General use permit criteria.
Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

A. That 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 proposed project is an expansion of an existing cemetery within the existing site. The design of the expansion complements existing burial areas within the cemetery site. Visible improvements will include grading, construction of niche and retaining walls, removal of existing trees and planting of new trees. The project is designed to avoid effects on neighbors views and to provide planting material consistent with the built-out areas of the cemetery in terms of coverage and canopy. Where the project is adjacent to property lines near the Stark Knoll neighborhood, a landscaping buffer is provided near the property line to minimize effects for the neighbors. As noted throughout the project record, the project is not expected to impact existing City facilities and infrastructure.

B. That 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 proposed project is an expansion of an existing cemetery within the existing site. The design of the expansion complements existing burial areas within the cemetery site. Visible improvements will include grading, construction of niche and retaining walls, removal of existing trees and planting of new trees. The design of the expanded burial areas is attractive and complementary to the existing burial areas. The expansion of burial areas will allow the cemetery to continue to provide this essential community service into the future.

C. That 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;
Expansion of burial areas within the existing cemetery site will allow for this essential community service to operate successfully for an additional fifteen years.

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050 OAKLAND
Planning Code
As noted throughout this Administrative Record and specifically in these Findings, the project complies with all applicable regular design review criteria set forth in Planning

Code Section 17.136.050. The project is an expansion of an existing use that would include landscaping (both hardscape and vegetation) designed to meet applicable City of Oakland requirements and complement the existing look and feel of the property and existing improvements.

E. That 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.

As noted throughout the project record, the entire Mountain View Cemetery is located in the Urban Park and Open Space (UPOS) General Plan Land Use Designation. The intent of the UPOS is "to identify, enhance, and maintain land for parks and open space. Its purpose is to maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment." (Land Use and Transportation Element of the General Plan—LUTE, p. 158). The desired character of the UPOS is "urban parks, schoolyards, cemeteries, and other active outdoor recreation spaces" (LUTE, p. 158). In terms of the applicable intensity and density of development in the UPOS, "policies call for 'no net loss' of open space" (LUTE, p. 158). The cemetery, and expansion of burial use within the existing cemetery, is entirely consistent with the desired use and intensity specified in the General Plan.

Applicable objectives of the Open Space, Conservation, and Recreation Element of the General Plan (OSCAR), include:

- **Objective OS-2: To maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.**
    - **Policy OS-3.3: Retain golf courses and cemeteries as open space areas: "...There are five cemeteries in Oakland, including three which adjoin each other in the North Hills, and two others in Central East Oakland. In addition to their role as an open space resource, the cemeteries are an important cultural, spiritual, and historic resource for the city." (OSCAR, p. 2-26)**

The proposed project is an expansion of burial uses (and associated grading and landscaping) in an existing cemetery site. The proposed project is consistent with the specific policies of the General Plan regarding the cemetery use, development and maintenance.

With regards to the Oakland Planning Code, Mountain View Cemetery is located entirely within the RD-1: Residential Low Density Zoning District of the Oakland Planning Code (RD-1). Under the Oakland Planning Code (OMC, Title 17), cemeteries are classified as an "Extensive Impact Civic" land use activity and require a Conditional Use Permit (CUP) in the RD-1 zoning district. As such, any expansion of the cemetery use on-site requires a CUP, as well. The proposed expansion is an unenclosed facility outside of any required setbacks and complies with the zoning regulations in terms of development standards. This application for a CUP appropriately seeks compliance with the regulations contained in the Oakland Planning Code with regards to expansion of the cemetery use within the RD-1 zoning district.

F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional 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 percent (60%) 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 (5) closest lots on each side of the project site plus the ten (10) 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.

NA

Design Review (Planning Code Section 17.136.050 - Regular design review criteria)

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

B. For Nonresidential Facilities and Signs.
1. That 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. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;
The proposed project is an expansion of an existing cemetery within the existing site. The design of the expansion complements existing burial areas within the cemetery site. Visible improvements will include grading, construction of niche and retaining walls, removal of existing trees and planting of new trees. The project is designed to avoid effects on neighbors views and to provide planting material consistent with the built-out areas of the cemetery in terms of coverage and canopy. Where the project is adjacent to property lines near the Stark Knoll neighborhood, a landscaping buffer is provided near the property line to minimize effects for the neighbors.

2. That 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 proposed project is an expansion of an existing cemetery within the existing site. The design of the expansion complements existing burial areas within the cemetery site. Visible improvements will include grading, construction of niche and retaining walls, removal of existing trees and planting of new trees. The project is designed to avoid effects on neighbors views and to provide planting material consistent with the built-out areas of the cemetery in terms of coverage and canopy. Where the project is adjacent to property lines near the Stark Knoll neighborhood, a landscaping buffer is provided near the property line to minimize effects for the neighbors. As noted throughout the project record, the project is not expected to negatively impact existing City infrastructure or private investment. The project will allow the cemetery to continue to serve an important community function into the foreseeable future.

3. That 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.
As noted throughout the project record, the entire Mountain View Cemetery is located in the Urban Park and Open Space (UPOS) General Plan Land Use Designation. The intent of the UPOS is "to identify, enhance, and maintain land for parks and open space. Its purpose is to maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment." (Land Use and Transportation Element of the General Plan—LUTE, p. 158). The desired character of the UPOS is "urban parks, schoolyards, cemeteries, and other active outdoor recreation spaces" (LUTE, p. 158). In terms of the applicable intensity and density of development in the UPOS, "policies call for 'no net loss' of open space" (LUTE, p. 158). The cemetery, and expansion of burial use within the existing cemetery, is entirely consistent with the desired use and intensity specified in the General Plan.

Applicable objectives of the Open Space, Conservation, and Recreation Element of the General Plan (OSCAR), include:

- **Objective OS-2: To maintain an urban park, schoolyard, and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.**
    - **Policy OS-3.3: Retain golf courses and cemeteries as open space areas: "...There are five cemeteries in Oakland, including three which adjoin each other in the North Hills, and two others in Central East Oakland. In addition to their role as an open space resource, the cemeteries are an important cultural, spiritual, and historic resource for the city." (OSCAR, p. 2-26)**

The proposed project is an expansion of burial uses (and associated grading and landscaping) in an existing cemetery site. The proposed project is consistent with the specific policies of the General Plan regarding the cemetery use, development and maintenance.

With regards to the Oakland Planning Code, Mountain View Cemetery is located entirely within the RD-1: Residential Low Density Zoning District of the Oakland Planning Code (RD-1). Under the Oakland Planning Code (OMC, Title 17), cemeteries are classified as an "Extensive Impact Civic" land use activity and require a Conditional Use Permit (CUP) in the RD-1 zoning district. As such, any expansion of the cemetery use on-site requires a CUP, as well. The proposed expansion is an unenclosed facility outside of any required setbacks and complies with the zoning regulations in terms of development standards. This application for a CUP appropriately seeks compliance with the regulations contained in the Oakland Planning Code with regards to expansion of the cemetery use within the RD-1 zoning district.

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:

1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall he given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

As noted throughout the project record, the historic portion of the cemetery (known as the Olmsted Master Plan Area) encompasses approximately fifty percent of the property (or approximately 115 acres), and more recent burial areas occupy approximately twenty percent of the property (or approximately 45 acres). This Olmsted Master Plan Area is located in the southwest portion of the Mountain View Cemetery property. The three proposed project plots are located north and east of the Olmsted Master Plan Area. The project area is located away from (and not contiguous with) the Olmsted Master Plan Area. The project is designed to complement but not replicate the design of existing, developed portions of the cemetery. The design relies on a similar layout to the Olmsted Master Plan Area, including a central axis with sinuous paths and naturalistic areas located off of the axial path. However, the layout and use of materials is contemporary to provide an atmosphere that is unique from other areas of the cemetery and will appear of the era in which it will be constructed. Because the proposed project is small and complements without replicating the existing developed portions of the cemetery, the project will not affect the character or value of the existing cemetery design or uses.

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or

3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

NA

E. For Retaining Walls:

1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;

2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;

3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;

4. That 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12376 § 3 (part), 2001: Ord. 11816 § 2 (part), 1995; prior planning code § 9306)

The proposed project includes two types of retaining walls: smaller retaining walls and tree wells to protect existing trees at the edges of grading areas; and larger niche walls intended to serve both landscape and burial purposes. The smaller retaining walls intended to

protect existing trees will respect existing topography and follow existing contours. They will be designed to be obscure. The larger niche walls will be a central, organizing element of the burial area design, with articulation and use of high quality materials to be visually engaging and not monotonous or monolithic.

CONDITIONS OF APPROVAL FOR MOUNTAIN VIEW CEMETERY EXPANSION PROJECT DESIGN REVIEWAND CONDITIONAL USE PERMIT NOVEMBER 15, 2017

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, Planning Commission staff report dated November 15, 2017 and the approved plans as included in the above-referenced staff report, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. **Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. This Approval shall expire on the later of: (a) **two years** from the Approval date (November 15, 2019), or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration of Plot 82 have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. The commencement of substantial construction for Plot 82 shall be deemed to be an exercise of this Approval such that it shall not expire for up to fifteen years from the Approval Date, provided that, within such period, all necessary permits for the construction or alteration of Plot 98 and the Panhandle have been issued. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

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

4. **Minor and Major Changes**

a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.

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

5. Compliance with Conditions of Approval

a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

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

b. Within ten (10) calendar days of the service on the City of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or

invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

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

13. Construction Management Plan

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

proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

a. All mitigation measures identified in the Mountain View Cemetery Expansion Project Environmental Impact Report (EIR) are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Exhibit A, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the EIR are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the EIR has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

15. Project-Specific Conditions of Approval

A. *Blasting Construction Method*: Any proposal for blasting as a construction method for the Mountain View Cemetery Expansion Project shall be subject to third party review and a special permit approval from the Oakland Fire Department, Fire Prevention Bureau.

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

a. Before working:

i. Provide crews with sanitations kits. (Sanitation kits should contain the following: Chlorine bleach [10/90 mixture bleach to water], or Clorox Clean-up®, scrub-brush, metal scraper, boot brush and plastic gloves).

ii. Ensure that work crews have properly cleaned and sanitized pruning gear, trucks and chippers prior to entering the Project Area.

iii. Clean and sanitize shoes, pruning gear and other equipment before working in an area with susceptible species (i.e. coast live oak, canyon live oak and California bay).

b. While working:

   i. When possible, conduct all tree work on P. ramorum-infected and susceptible species during the dry season (June - October). The pathogen is most likely to spread during periods of high rainfall especially in spring (April and May). Working during wet conditions should be avoided.

   ii. If working in wet conditions cannot be avoided, keep equipment on paved or dry surfaces and avoid mud.

   iii. Work in disease-free areas before proceeding to suspected-infestation areas.

   iv. All debris from California bay trees, the primary vector of the pathogen, shall be mulched and spread in place, moved to a sunny dry area free of coast live oak, or disposed of offsite in a permitted disposal facility in accordance with state and federal regulations.

   v. When removing California bay trees, all mulch and debris shall be segregated from other species when chipping, and all pruning gear and equipment, including chippers and trucks shall be cleaned and sanitized before working on coast live oaks.

c. After working:

   i. Use all reasonable methods to clean and sanitize personal gear and crew equipment before leaving a P. ramorum-infested site. Scrape, brush and/or hose off accumulated soil and mud from clothing, gloves, boots and shoes. Remove mud and plant debris, especially California bay, by blowing it out or power washing chipper trucks, chippers, buckets trucks, fertilization and soil aeration equipment, cranes, and other vehicles.

   ii. Restrict the movement of soil and leaf litter under California bay trees as spores are most abundant on California bay leaves. Contaminated soil, particularly mud, and plant debris on vehicle tires, workers boots, shovels, chippers, stump grinders, trenchers, etc., may result in pathogen spread if moved to a new, un-infested site. Thoroughly clean all equipment and remove or wash soil, mud and plant debris from these items before use at another site. If complete on-site sanitation is not possible, complete the work at a local power wash facility.

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

d. When planting:

   i. Replanting should occur in the early fall when the pathogen is less active, and in order to take advantage of seasonal rains. Replanting activities should avoid late winter and spring.

   ii. Planting sites for susceptible species including coast live oak and canyon live oak should be selected in areas that are at least 20 yards away from California bay trees, brush and/or plant material.

   iii. California bay shall not be used as mulch for new plantings.

iv. Small, non-protected (less than 9 inches diameter) California bay trees and brush should be cleared within a 20-yard or greater buffer where feasible to protect susceptible oak trees that are selected for preservation.

APPROVED BY:
City Planning Commission:_____(date)_____(vote)
City Council:_____(date)_____(vote)

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

Signature of Owner/Applicant: _____(date)
Signature of Contractor _____(date)

EXHIBIT A

MOUNTAIN VIEW CEMETERY EXPANSION PROJECT
STANDARD CONDITIONS OF APPROVAL/
MITIGATION MONITORING AND REPORTING PROGRAM

Mountain View Cemetery EIR

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

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the findings identified in the Mountain View Cemetery Enviornmental Impact Report (EIR), published September 2017. This document is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency (City of Oakland) "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

The Mountain View Cemetery EIR did not find that any mitigation measures are required of the Project to reduce or avoid environmental effects, beyond those uniformly applied City Standard Conditions of Approval (SCAs) identified in the Mountain View EIR. These SCAs are measures required of the Project that would minimize potential adverse effects that could otherwise result. This SCAMMRP lists all City SCAs that apply to the Mountain View Cemetery Project to ensure these conditions are implemented and monitored. The SCAMMRP also identifies the implementation and monitoring requirements for each SCA. While not required to mitigate or avoid significant environmental effects, the SCAMMRP also includes certain implementation and monitoring guidance, included as SCA Implementation Measures (or measures in furtherance of SCAs) as identified in the Mountain View Cemetery EIR, which the Project sponsor has agreed to implement. These implementation measures are included in the SCAMMRP for ease of tracking by City staff.

To the extent that there is any inconsistency between any of the SCAs, the more restrictive conditions shall govern. To the extent any SCAs identified in the Mountain View Cemetery EIR were inadvertently omitted from this SCAMMRP, they are automatically incorporated herein by reference.

The SCAMMRP is organized by environmental topic, in the order they are presented in the Mountain View Cemetery Draft EIR.

- The first column of the table identifies the impact statement (for internal reference throughout the document).
- The second column states in full the SCA (and SCA Implementation Measure, as applicable) that applies to each impact. To avoid repetition, while an SCA can apply to more than one impact or topic, it is listed in its entirety only once, by order of appearance.

- The SCAs are numbered as identified in the Mountain View Cemetery EIR, and generally correspond to the same or similar SCA number as listed in the City's Standard Conditions of Approval document[1] (e.g. SCA #17), for cross-reference purposes.
- The third column identifies the schedule or timing for all implementation activities required for each SCA or each SCA Implementation Measure.
- The fourth column specifies the implementation action and responsibility required of the Project applicant.
- The fifth column specifies the party(ies) responsible for monitoring or verifying that the actions are implemented, and specifies the monitoring and verification actions.
- The sixth column will identify the date and signature to confirm implementation of each action over time.

The Project sponsor is responsible for compliance with any recommendations identified in City-approved technical reports and all SCAs set forth herein at its sole cost and expense, unless otherwise expressly, subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAMMRP will primarily be the responsibility of the Bureau of Planning and the Bureau of Building - Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the Project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

[1] Originally adopted November 3, 2008, as amended and/or supplemented through August 2017.

Impact (for Reference)	Mitigation Measures and/or Standard Condition of Approval (SCR), and SCR Implementation Measures	Timing	Implementation Responsibility & Action	Monitoring Responsibility & Action	Date Completed / Signature
Aesthetics					
Aesthetics-3: The Project would remove scenic trees from the site, including trees that are specifically visible from state and locally designated scenic routes.	**SCA #27, Tree Permit**: Prior to approval of a construction-related permit. a. Tree Permit Required. Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit. b. Tree Protection During Construction. Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: (1) Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. (2) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. (3) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any	Submit Tree Permit Application • prior to approval of any construction-related permit Conduct Work Pursuant to Approved Tree Permit, • ongoing, as needed	Project Applicant: • Submit Tree Permit application and proposed tree removal/planting plans. • Conduct work, tree removal, and tree replacements pursuant to the approved tree removal/planting plans, the Tree Permit, and the SCA.	Applicant • Ensure regular verification of compliance. City of Oakland, Bureau of Planning; Bureau of Building - Zoning Inspections; and Oakland Public Works Agency - Tree Division: • Review and approve Tree Permit application and proposed tree removal/planting plans. • Conduct periodic site visits to verify compliance.	

other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

(4) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

(5) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

(6) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

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

(1) For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;

(2) For other species listed, seven hundred (700) square feet per tree.

(3) In the event that replacement trees are required but cannot be planted due to site

	constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians. d. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.			
	SCA #17: Landscape Plan a. Landscape Installation. *Prior to building permit final.* The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid. b. 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. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Submit Landscape Plan • Prior to approval/issuance of a grading permit Implementation: • Ongoing, throughout all construction activities and project operations.	Project Applicant: • Implement the final Landscape Plan • Permanantly maintain in good condition (or repair/replace as needed) all required plantings and landscape elements	City of Oakland, Bureau of Building - Zoning Inspections: • Verify that landscape materials are planted and comply with the SCA and Landscape Plan • Verify that planting and landscape elements are permanently maintained in good condition
Air Quality				
Air-1: During construction, the Project will generate fugitive dust from grading, hauling and construction activities.	**SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)** *During Project Construction.* The project applicant shall implement all of the following applicable air pollution control measures during construction of the project: Basic Controls: a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles	Implementation: • Ongoing, throughout demolition, grading and/or construction	Project Applicant: • Require/ensure construction contractor to implement all the applicable measures identified in the SCA • Submit a Dust Control Program as part ot the Construction Management Plan to the Bureau of Building-Zoning Inspections, per *Enhanced*	City of Oakland, Bureau of Planning: • Review and approve Dust Control Program Project Applicant: • Ensure regular verification of the implementation of dust control measures and equipment and vehicle operation protocols

per hour. Reclaimed water should be used whenever feasible. 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. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible 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 on all diesel-fueled commercial vehicles over 10,000 lbs. 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. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations"). i. 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. j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or	*Controls* condition (e)	• Verify that a designated dust control monitor is on-call during construction periods, per *Enhanced Controls* condition (e) City of Oakland, Bureau of Building - Zoning Inspections: • Conduct periodic site visits to verify dust control measures and equipment and vehicle operation are being implemented

natural gas.

Enhanced Controls (applies to projects that involve 114 or mores single family residential units or 240 or more multi-family residential units):

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. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area 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. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written

	documentation that fleet requirements have been met. l. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings). m. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM. n. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard. o. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.			
	SCA #24: Naturally-Occurring Asbestos The project applicant shall comply with all applicable laws and regulations regarding construction in areas of naturally-occurring asbestos, including but not limited to, the Bay Area Air Quality Management District's (BAAQMD) Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations (implementing California Code of Regulations, section 93105, as may be amended) requiring preparation and implementation of an Asbestos Dust Mitigation Plan to minimize public exposure to naturally-occurring asbestos. Evidence of compliance shall be submitted to the City upon request.	Submit Asbestos Dust Mitigation Plan • Prior to approval/issuance of a grading permit Implementation: • Ongoing, throughout all construction activities	Project Applicant: • Submit an Asbestos Dust Mitigation Plan as part ot the Construction Management Plan to the Bureau of Building-Zoning Inspections • Require/ensure construction contractor implements all the applicable measures	City of Oakland, Bureau of Planning: • Review and approve Asbestos Dust Mitigation Plan City of Oakland, Bureau of Building - Zoning Inspections: • Conduct periodic site visits to verify asbestos dust control measures are being implemented
Air-2: During construction, the Project will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. However, these emissions will not exceed City of Oakland's established construction-period thresholds.	**SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)** see Impact Air-1, above	see Impact Air-1, above	see Impact Air-1, above	see Impact Air-1, above

Air-3: TAC emissions resulting from construction activity at the Project site would not result in an increase in cancer risk level for the maximum exposed individual of greater than 10 in one million, would not exceed the chronic health hazard index of 1, and would not exceed the annual average PM2.5 concentration threshold of 0.3 ug/m3.	**SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)** see Impact Air-1, above	see Impact Air-1, above	see Impact Air-1, above	see Impact Air-1, above
Biological Resources				
Bio-1: The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.	**SCA #27: Tree Removal during Breeding Bird Season.** Prior to removal of trees. To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.	Conduct Pre-Removal Surveys: • Within 15 days prior to removal of any trees and/or other vegetation suitable for nesting of birds. Agency Consultation for Nesting Raptors/Birds: • Prior to the start of work involving ground disturbance or building dismantling, relocation or demolition.	Project Applicant: • Conduct pre-removal surveys by a qualified biologist if work occurs during the bird breeding season. • Submit pre-removal surveys to City of Oakland.	City of Oakland, Bureau of Planning; Bureau of Building - Zoning Inspections: • Review and accept pre-removal surveys. Project Applicant: • Ensure regular verification of the implementation of this SCA during breeding season. City of Oakland, Bureau of Building - Zoning Inspections; qualified biologist approved by the Bureau of Planning: • Conduct periodic site visits during bird breeding season to verify compliance per the SCA. California Department of Fish and Wildlife (CDFW); qualified biologist approved by the Bureau of Planning: • If pre-removal surveys indicate the potential presence of nesting raptors or other birds,

				consult with qualified biologist on size of nest buffer.
Bio-4: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	**SCA #27: Tree Removal during Breeding Bird Season** see Impact Bio-1, above	see Impact Bio-1, above	see Impact Bio-1, above	see Impact Bio-1, above
Bio-6: The Project would not fundamentally conflict with the City of Oakland's Tree Protection Ordinance by removing protected trees under certain circumstances. Factors considered in determining significance include the number, type, size, location and condition of the protected trees to be removed and/or impacted by construction, the number of protected trees to remain, and the proposed replacement with appropriate new tree species.	**SCA #27, Tree Permit: Prior to approval of a construction-related permit** see Impact Aesthetics-3, above	see Impact Aesthetics-3, above	see Impact Aesthetics-3, above	see Impact Aesthetics-3, above
Cultural Resources				
Cultural-2: The Project area is unlikely to yield archaeological information important in history or prehistory, and the Project is unlikely to directly or indirectly destroy a unique archaeological resource or site, or cause a substantial adverse change in the significance of currently undiscovered archaeological resources.	**SCA #29: Archaeological and Paleontological Resources – Discovery During Construction** During construction. Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance	Implementation: • Ongoing, throughout all construction activities.	Project Applicant: • Adhere to conditions and standards regarding the discovery of historic or prehistoric subsurface cultural resources and paleontological resources; avoidance measures; excavation plans; preparation of an ARDTP; and qualifications of consulting archaeologists and paleontologists.	City of Oakland, Bureau of Planning – OCHS; Bureau of Building – Zoning Inspections: • Verify qualifications of as-needed consulting archeologist and/or paleontologist. • Review and approve the ATDTP if one is required under conditions of the SCA. • Verify all applicable

	measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration 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, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.			conditions in the SCA are implemented.
Cultural-3: The Project area is unlikely to disturb any human remains, including those interred inside or outside of formal cemeteries.	**SCA #31: Human Remains – Discovery During Construction** During construction. Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during	Implementation: • Ongoing, throughout all construction activities.	Project Applicant: • Adhere to conditions regarding the discovery of human skeletal remains; avoidance measures; work	City of Oakland, Bureau of Planning; Alameda County Coroner: • As needed, review and approve plans to

	construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate		stop and restart; and monitoring.	address human skeletal remains, including plans for avoidance or other treatment.
Geology and Soils				
Geo-1: The Project will be constructed within areas containing unknown fill soils and. These existing conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use.	**SCA #34: Soils Report** *Prior to approval of construction-related permit.* The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction. Project-specific recommendations pursuant to SCA #34 include the following grading practices for artificial fill: a. Plot 82 Over-Excavation: The Project's proposed grading plan for Plot 82 includes removal of approximately 100,000 cubic yards of material from this location to create a gradually sloped, near level cemetery site. The planned cuts within this area will be of sufficient depth to remove all existing fill. Over-excavation and removal of additional fill beyond this cut is not expected to be necessary. b. Grading Near Existing Burial Sites: Plot 77, immediately adjacent to the Plot 82 site and adjacent to the ridgeline road, will be retained at its existing approximately 3:1 slope. Removal of fill material from this location is not anticipated. The condition of the area immediately downslope from Plot 77, within the Plot 82 site, will be checked during construction. If zones of loose fill or debris are encountered, additional grading may be required at the lower edge of Plot 77. c. Plot 98 and the Panhandle. The existing fill near and below the footprint of Plot 98 and the Panhandle will need to be removed and re-compacted during grading, mixed with the relocated fill excavated from Plot 82. d. North Access Road. The access road along the north side of Plot 98 and the Panhandle will be partially	Submit Soils Report: • Prior to the approval of any grading or building permit. Conduct Work Pursuant to Approved Report: • During Project design and grading.	Project Applicant: • Submit a soils report prepared by a registered design professional. • Incorporate recommendations from the approved soils report into the project design and implement the recommendations.	City of Oakland, Bureau of Planning; Engineering Services; Bureau of Building: • Review and approve soils report and confirm recommendations are incorporated into the project design and construction.

	located on fill, and this fill also extends downslope of the roadway. The fill below the road will be removed and replaced as a compacted buttress, whereas the fill further downslope is expected to remain. e. Grading within Piedmont. The existing fill to the east of the Panhandle and within the City of Piedmont will not be removed since no significant grading is planned in this area.			
Geo-2: The Project will be constructed within areas containing landslide-prone materials. These existing conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use.	**SCA #34: Soils Report** Project-specific recommendations pursuant to SCA #34 include the following grading practices for potential landslides: a. Site Preparation: Surface soils and existing fill be removed, and the areas rebuilt as well-compacted fills. Grading will include construction of keyways into rock, benching into firm material and placement of subdrains. The future development sites will be cleared of brush, trees, stumps and surface vegetation designated for removal. Brush, trees, and stumps will be removed from the site, and the site will be stripped to remove grasses and shallow roots. b. Grading: The fill and cut slopes will be constructed in accordance with the typical details presented on Figure 4.5-4 and 4.5-5. A keyway will be excavated at the slope toe. Keyways should be at least 20 feet wide, measured front to back. The keyway should extend through the surface soils and existing fill, and at least 5 feet into bedrock at the back of the keyway; at least 2 feet into bedrock at the front of the keyway for fill slopes, and at least 5 feet for cut slopes. Keyways should dip slightly into the hill. As the fill is extended up the hillside, benches will be excavated into the slope, exposing undisturbed bedrock. Benches at sub-drain locations should be at least 10 feet wide. c. Retaining Structures / Mausoleums and Niche Walls: To minimize the need for extensive remedial grading outside of (and down-slope from) the grading limits, retaining walls maybe constructed and are planned for at certain locations at Plot 82 and at Plot 98 and the Panhandle (see Figure 4.5-4). (1) The retaining structures may consist of a soldier-pile and lagging walls, and to limit deflections, tiebacks may be needed in some areas. The design criteria for the walls will be provided as part of final building permit	see Impact Geo-1, above	see Impact Geo-1, above	see Impact Geo-1, above

design.

(2) Design of foundations and flatwork for mausoleums or niche walls will also need to consider the presence of expansive soil material at foundation level and proximity to grave excavations. Recommendations for these structures will be presented as part of final building permit design.

d. Subdrains: New subdrains shall be installed at the rear of the excavated keyways and on benches above the keyway (as shown on Figures 4.5-4 and 4.5-5).

(1) Sub-drains should consist of a free-draining layer of Class 2 permeable material meeting Caltrans' Standard Specifications. The permeable material should be at least 12-inches thick and extend up the face of the back cuts. The permeable material should cover at least 50 percent of the vertical height of the existing slope.

(2) The maximum height of excavated slope that is not covered by permeable material should not exceed 8 feet between subdrains.

(3) Four-inch diameter perforated collector pipes should be installed near the bottom of the Class 2 permeable material. The pipes should be underlain by at least 3-inches of permeable material. The sub-drain pipes should have a minimum slope of one percent and should drain to discharge to a suitable outlet. Sub-drain lines should include a clean-out riser that should be covered with a tamper-proof locking cap and a concrete Christie box.

(4) The sub-drains shall be connected to solid pipes that outlet to V-ditches, storm drains or paved areas. The discharge point of the down-drains should be covered with a heavy wire mesh to deter rodent access. The locations of subdrains and their cleanouts and outlets should be surveyed and marked on the as-built grading plans.

e. Fill Materials: Fill placed at the site will be derived from the on-site excavations. Chert may generate large pieces of rock, depending on the method of excavation and massiveness of the rock. Boulders up to 3 feet in maximum dimension may be placed at least 3 feet below finished grade where burials are not planned. No rock fragments larger than 6-inches should be placed within 3 feet of finished grade or future gravesite areas. Wood, tree limbs,

roots greater than 1-inch in diameter, tree stumps, metal and concentrated zones of common trash should be removed from existing fill during grading. Some debris (glass, plastic) that is well mixed within the existing fill may remain and be placed in the new, compacted fills. The contractor should stage grading such that existing fill containing debris is only placed in the lowest elevation of the fill below depths of future graves and excavations.

(1) Select fill placed at the site should be a soil or soil/rock mixture, free of deleterious matter and contain no rocks or hard fragments larger than 4-inches in maximum dimension, with less than 15 percent larger than 1-inch in maximum dimension.

(2) Select fill should have a low expansion potential, which for this site should be defined as having a Liquid Limit (LL) less than 40 and Plasticity Index (PI) less than 15.

(3) Select fill should be predominantly granular with 100 percent passing a 2-inch sieve and less than 30 percent passing the Number 200 sieve.

(4) Permeable material should meet requirements for Class 2 Permeable Material in accordance with Caltrans Standard Specification Section 68-1.025.

(5) Sub-drain pipe should be an ABS or PVC plastic pipe having a SDR of 23.5. The collection pipe should be nominally 4-inches in diameter and should have nominally ¼-inch diameter perforations at 12-inches or less longitudinal spacing. Sub-drain pipes should be placed with perforations down. Cleanouts should be solid 4-inch diameter SDR 23.5 pipe, and discharge pipes should be solid 6-inch diameter SDR 23.5 pipe.

f. Compaction: Fill shall be placed in lifts 8-inches or less, in loose thickness, and moisture conditioned to at least over optimum moisture content. Moisture conditioning should be performed prior to compaction. Each lift should be compacted to a least 90 percent relative compaction with a sheepsfoot compactor. A sheepsfoot compactor or equivalent equipment should be used for compacting soils. Materials that are too wet to compact should be spread out and aerated by tilling or discing to achieve a moisture content suitable for compaction. ASTM Test No. D-1557 should be used to assess relative compaction. The

outside face of the slope should be over-filled (constructed fat) to allow the finished slope to be cut back to a well compacted surface.

g. Slopes: Slopes should be inclined at 2:1 or flatter. Fill slopes should be constructed in accordance with the details shown on Figure 4.5-5. Cut slopes should include a slope buttress constructed in accordance with the details provided on Figure 4.5-4. Slopes should include surface benches and concrete V-ditches to collect surface water.

(1) The benches should be at least 10 feet wide and at about 25 feet vertical spacing. The new V-ditches should drain to the existing storm drain system or paved areas.

(2) A V-ditch or lined swale should be located at the top of slopes or the area above the slopes should be graded to drain away from slopes.

h. Slope Creep and Setback: Slopes tend to creep downhill due to gravity forces. Structures located near tops of slopes will tend to move slowly downslope and settle. New structures, including retaining walls, crypt walls and graves, should not be founded within 10 feet of finished slopes that are inclined at 3:1 or steeper. A railing or fence should be considered at the top of steep slopes in public areas to improve safety and limit access to the slope face.

i. Hydro-Seeding: Shortly after completion of filling, slopes will be hydro-seeded and irrigated to establish groundcover to minimize surface erosion.

j. Utility Trenches: Utility trenches will be set back far enough from structures (retaining walls) so they will not affect the planned foundations. The utility lines should not extend down below an imaginary plane inclined at 2:1 down and away from the base of footings. In the absence of local agency requirements, the following criteria for bedding and backfilling utility lines should be used.

(1) For pipes other than concrete storm drains, a bedding layer consisting of clean sand or fine gravel should be placed below and around pipes and extend at least 12-inches above their tops. The bedding thickness below the bottom of the pipe should be at least 3-inches.

(2) For concrete storm drains, the above bedding criteria may be modified by extending the sand or fine gravel bedding material only up to the spring line of the pipe, provided care is taken

	during placement and compaction of the fill around and above the pipe. Common fill may be used for trench backfill above the sand or fine gravel. Backfill materials should be placed and compacted as described above. Jetting should not be allowed for compacting backfill.			
Geo-4: The proposed Project would not expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking or seismic-related ground failure including liquefaction, lateral spreading, subsidence, or collapse.	**SCA #33: Construction-Related Permit(s).** *Prior to approval of construction-related permit*. The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Implementation: • Prior to approval of any construction-related permit.	Project Applicant: • Obtain all required construction-related permits/approvals from the City.	City of Oakland, Bureau of Planning; Bureau of Building – Zoning Inspections: • Confirm all required construction-related permits are obtained.
	SCA #34: Soils Report see Impact Geo-1, above	see Impact Geo-1, above	see Impact Geo-1, above	see Impact Geo-1, above
Geo-5: The proposed Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to property or downhill creeks and waterways	SCA #45: Erosion and Sedimentation Control Plan for Construction Erosion and Sedimentation Control Plan Required. The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment. *Erosion and Sedimentation Control During Construction.* The project applicant shall implement the approved	Submit Plan: • Prior to approval of any construction-related permit. Conduct Work Pursuant to Approved Plan: • Throughout all construction activities. Post-Construction Inspection and Clearance: • Prior to final permit.	Project Applicant: • Submit an Erosion and Sedimentation Control Plan. • Obtain permission or easements necessary for off-site work. • Ensure post-construction inspection and maintenance.	City of Oakland, Bureau of Planning; Bureau of Building – Zoning Inspections: • Review and confirm Erosion and Sedimentation Control Plan. • Ensure implementation of Erosion and Sedimentation Control Plan. • If applicable, authorize grading during wet weather season • Conduct post-construction inspection.

	Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.			
	SCA #46: State Construction General Permit The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.	Submit Documents to SWRCB: • Prior issuance of any construction-related permit. Conduct Work Pursuant to Approved SWPPP and General Permit: • Ongoing, throughout all construction activities.	Project Applicant: • Submit a NOI, SWPPP, and other required Permit Registration Documents to SWRCB, and evidence of compliance to the City.	City of Oakland, Bureau of Planning; Public Works Agency – Environmental Services • Verify compliance with all Permit requirements.
	SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects a. <u>Post-Construction Stormwater Management Plan Required.</u> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: (1) Location and size of new and replaced impervious surface; (2) Directional surface flow of stormwater runoff; (3) Location of proposed on-site storm drain lines; (4) Site design measures to reduce the amount of impervious surface area; (5) Source control measures to limit stormwater pollution; (6) Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and (7) Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.	Submit Post-Construction Stormwater Management Plan: • Prior to issuance of any construction-related permit. Verify Plan: • Prior to final permit approval. Implement Plan: • Ongoing, throughout construction activities and project operations.	Project Applicant: • Submit Post-Construction Stormwater Management Plan with project improvement plans, and implement Plan.	City of Oakland, Bureau of Planning;: • Verify that the applicant complies with the requirements of Provision C.3 of the NPDES permit. • Verify that a completed Stormwater Supplemental Form and Post-Construction Stormwater Management Plan are adequately prepared. • Verify Plan is implemented.

	b. Maintenance Agreement Required. The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: (1) The project 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 (2) 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. (3) The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense			
Hazards and Hazardous Materials				
Haz-2: The Project's construction activities will likely utilize construction materials and fuels considered hazardous, and regular landscape maintenance of the expanded cemetery will likely involve the use of hazardous chemicals. Spills or accidents with these materials or chemicals could result in a significant impact to the health of workers and the environment. Compliance with existing regulations and applicable Standard Conditions of Approval will ensure the Project will not create a significant hazard to the	**SCA #39: Hazardous Materials Related to Construction. Requirement** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply	Implementation: Ongoing, throughout all construction activities.	Project Applicant: • Implement BMPs to minimize potential negative effects on groundwater, soils, and human health.	Project Applicant: • Ensure regular verification of implementation of construction BMPs. City of Oakland, Bureau of Planning;: • Conduct periodic site visits to verify that construction BMPs are implemented.

public or the environment through the routine transport, use, or disposal of hazardous materials.	with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City Fire Prevention Bureau, Alameda County Environmental Health, and other applicable regulatory agency(ies) and implementation of the actions described in these agencies' 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.			
	SCA #41: Hazardous Materials Business Plan. Requirement The project applicant shall submit Hazardous Materials Business Plan information into the California Environmental Reporting System (CERS) for review and approval by Alameda County Environmental Health, and shall implement the approved Plan. The approved Plan will be available in the CERS database and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. 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	Submit Hazardous Materials Business Plan: • Prior to approval of final building permit. Conduct Work Per Approved Plan: • Ongoing, throughout all construction activities.	Project Applicant: • Submit a Hazardous Materials Business Plan for review and approval by the City, and implement the approved Plan.	City of Oakland, Bureau of Planning; Bureau of Building – Zoning Inspections; Oakland Fire Department - Hazardous Materials Division: • Review and approve the Hazardous Materials Building Plan.

	materials are handled, transported, and disposed.			
Haz-3: The proposed Project would not expose people or structures to risks involving wildland fires.	**SCA #43: Wildfire Prevention Assessment District – Vegetation Management** a. Vegetation Management Plan Required. *Requirement*: The project applicant shall submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval. The Vegetation Management Plan shall include, at a minimum, the following measures: (1) Removal of dead vegetation overhanging roof and chimney areas; (2) Removal of leaves and needles from roofs; (3) Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation; (4) Trimming back vegetation around windows; (5) Removal of flammable vegetation on hillside slopes greater than 20%; (6) Pruning the lower branches of tall trees; (7) Clearing out ground-level brush and debris; and (8) Stacking woodpiles away from structures. b. Fire Safety During Construction. Requirement: The project applicant shall require the construction contractor to implement spark arrestors on all construction vehicles and equipment to minimize accidental ignition of dry construction debris and surrounding dry vegetation. **Recommendation Haz-3:** The Project applicant should consider providing a centralized Joss paper burner, specifically fitted with a cover which can eliminate the spread of burning ashes while allowing enough oxygen in to ensure that all of the offering is completely burned.	Submit Plan: • Prior to approval of any construction-related permit, if applicable. Implement Plan: • Ongoing, throughout all construction activities and project operations.	Project Applicant: • Submit and implement Vegetation Management Plan	Oakland Fire Department: • Review and approve Vegetation Management Plan.
HYDROLOGY AND WATER QUALITY				
Hydro-1: During construction, the Project could result in substantial erosion, siltation and pollution that could affect	**SCA #45: Erosion and Sedimentation Control Plan for Construction** see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above

the quality of receiving waters.	**SCA #46: State Construction General Permit** see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above
Hydro-2: The Project would result in increased storm water runoff from the site, potentially creating a new source of polluted runoff that could degrade downstream water quality.	**SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects** see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above
Hydro-4: The Project would not substantially alter the course of any creek, or otherwise substantially alter (increase or decrease) stormwater runoff volume or the velocity of runoff into a receiving creek.	**SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects** see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above
Hydro-6: The Project would not conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.	**SCA #45: Erosion and Sedimentation Control Plan for Construction** see Impact Geo-5, above **SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects** see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above	see Impact Geo-5, above
	SCA #53: Vegetation Management on Creekside Properties *Ongoing*. The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project: a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat; b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact; c. Leave stumps and roots from cut down trees to prevent erosion; d. Plant fire-appropriate, drought-tolerant, preferably native vegetation; e. Provide erosion and sediment control protection if cutting vegetation on a steep slope; f. Fence off sensitive plant habitats and creek areas if	Implementation: • Ongoing, throughout all construction activities and project operations.	Project Applicant • Implement vegetation management requirements	City of Oakland, Bureau of Planning;: • Verify all applicable conditions are implemented and maintained.

	implementing goat grazing for vegetation management			
	SCA #54: Creek Protection Plan a. Creek Protection Plan Required. *Prior to approval of construction-related permit.* The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d). b. Construction BMPs. *Prior to approval of construction-related permit.* The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following: (1) 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. (2) 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. (3) 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. (4) 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	Submit Creek Protection Plan: • Prior to approval of any construction-related permit. Implement (b) Construction BMPs, and (c) Post-Construction BMPs: • (Same as Monitoring/ Inspections and Written Monitoring Report for condition (e) Creek Protection Plan Implementation below.)	Project Applicant: • Develop and submit Creek Protection Plan, incorporating specified BMPs, per sections (b) Construction BMPs, (c) Post-construction BMPs, and (d) Final landscaping details of the SCA. • Implement approved mechanical and vegetative measures to reduce erosion and sedimentation, and all erosion and sedimentation control measures in strict accordance with Regional Water Quality Control Board (RWQCB)	City of Oakland, Bureau of Planning; Bureau of Building – Zoning Inspections; Public Works Agency – Environmental Services: • Review and approve Creek Protection Plan incorporating specified BMPs, per sections (b) Construction BMPs, (c) Post-construction BMPs, and (d) Final landscaping details of the SCA. • Verify effectiveness of erosion and sedimentation control measures.

and native vegetation planted. Note: Measure is not feasible due to scale and proposed alterations to the creek channel. The City has made a Finding that the other measures imposed as part of the creek restoration plan and analyzed in the CEQA analysis are equal or better protective measures

(5) Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

(6) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

(7) Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.

(8) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

(9) Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

(10) 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.

(11) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the

creek, street, gutter, or storm drains.

(12) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).

(13) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

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

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

(1) 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.

(2) 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.

e. Creek Protection Plan Implementation. During construction; ongoing. The project applicant shall	Implement Creek Protection Plan:	Project Applicant • Implement approved Creek	Project Applicant: • Ensure regular

	implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.	• Ongoing, throughout all construction activities and project operations. Monitor/Inspect: • Ongoing, bi-weekly, throughout all construction activities; and if construction occurs during wet weather season (October 15 through April 15) timeframes may change as necessary and determine by the City or other oversight agency, based on findings of the monitoring/ inspections. Submit Monitoring Report: • Monthly, during construction; every three months for one year after construction.	Protection Plan. • Ensure qualified consultant to monitor/inspect and submit written report on adequacy of erosion, sedimentation, debris, and pollution control measures	monitoring /inspections by a qualified consultant, to verify compliance with approved Creek Protection Plan and success of the creek protection measures City of Oakland, Bureau of Planning; Bureau of Building - Zoning Inspections; Public Works Agency – Environmental Services: • Conduct periodic site visits and/or confirm monitoring /inspections by a qualified consultant, to verify compliance with approved Creek Protection Plan and success of the creek protection measures
Noise and Vibration				
Noise-1: Construction activity at the Project site would include use of heavy grading, rock breaking and other construction equipment that would temporarily increase noise levels at surrounding sensitive receptors to noise levels exceeding City construction-period thresholds. In consideration of the limited duration of grading and construction activity and the required implementation of all reasonable and feasible noise attenuation measures pursuant to the City's Standard Conditions of Approval, the construction-period noise impacts of the Project are considered to	**SCA #58: Construction Days/Hours** a. *During construction.* The Project applicant shall comply with the following restrictions concerning construction days and hours: (1) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. (2) Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. (3) No construction is allowed on Sunday or federal holidays. b. Construction activities include, but are not limited	Implementation: • Ongoing, throughout all construction activities.	Project Applicant: • Require construction contractors limit standard construction activities.	City of Oakland, Bureau of Planning: • Verify construction activity noise is appropriately controlled.

be less than significant with implementation of all required SCAs.	to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. c. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the Project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice. **SCA #59: Construction Noise** During construction. The Project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: 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.

	(5) Monitor the effectiveness of noise attenuation measures by taking noise measurements. b. Public Notification Required. During construction. The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.			
	SCA #61: Project-Specific Construction Noise Reduction Measures *Prior to approval of construction-related permit.* The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction.	Submit Plan: • Prior to approval of any construction-related permit. Conduct Work Pursuant to Approved Plan: Ongoing, throughout all construction activities.	Project Applicant: Submit and implement a Construction Noise Management Plan prepared by a qualified acoustical consultant	City of Oakland, Bureau of Planning: • Review and approve Plan if required noise attenuation will be achieved. Verify compliance with the Plan.
	SCA #62: Construction Noise Complaints *Prior to approval of construction-related permit.* The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include: a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.	Submit Procedures: • Prior to approval of any construction-related permit. Implementation: • Ongoing, throughout all construction activities.	Project Applicant: • Submit and implement procedures for responding to and tracking construction noise complaints. Maintain log of complaints and actions taken.	City of Oakland, Bureau of Planning: • Review and approve construction noise complaints procedures. As needed, request complaint log for review.

Transp-4: The proposed Project would not result in temporary adverse effects on the circulation system during construction of the Project.	**SCA #13: Construction Management Plan** Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. a. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). b. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.	Submit Evidence of Approved Plan: • Prior to obtaining an obstruction permit. Implementation: • Ongoing, throughout all construction activities.	Project Applicant: • Submit and implement a Traffic Control Plan • Submit evidence of approved Plan with obstruction permit	City of Oakland, Bureau of Planning; Oakland Department of Transportation Engineering Services Unit; Public Works Agency: • Review and approve Traffic Control Plan. • Verify project compliance with the Plan during construction.
Util-1: The Project would not exceed water supplies available from existing entitlements and resources, and would not require or result in construction of water facilities or expansion of existing facilities that could result in environmental effects.	**SCA #78: Green Building Requirements – Small Projects** Compliance with Green Building Requirements during Plan Check. The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code) for projects using the Bay Friendly Basic Landscape Checklist. a. The following information shall be submitted to the City for review and approval with application for a building permit: (1) Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.	Submit "Plan Check" Compliance Information: • Prior to approval of first construction (building) permit. Submit "During Construction" Compliance Information: • Ongoing, throughout all construction activities. Submit "After Construction" Compliance Information: • Prior to the final the Building Permit.	Project Applicant: • Submit information and plans to demonstrate compliance with the applicable requirements of the City of Oakland Green Building Ordinance and the Bay Friendly Basic Landscape.	City of Oakland, Bureau of Planning: • Review and approve Plan Check compliance checklist • Review and approve project plans and required information to confirm compliance with all Green Building requirements.

	(2) Completed copy of the green building checklist approved during the review of a Planning and Zoning permit. (3) Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below. (4) Other documentation to prove compliance. b. The set of plans in subsection (a) shall demonstrate compliance with the following: (1) CALGreen mandatory measures. (2) All applicable green building measures identified on the checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted. <u>Compliance with Green Building Requirements during Construction</u>. Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Green Building Ordinance during construction. The following information shall be submitted to the City for review and approval: a. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit. b. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.			
	SCA #: Water Efficient Landscapes (WELO). Prior to approval of construction-related permit. a. <u>Requirement</u>: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.	Submit Plan: • Prior to approval of final landscape plan Implementation: • Ongoing, throughout all construction activities and project operations. Submit a Certificate of Completion: • Upon installation of the landscaping and irrigation systems	Project Applicant: • Submit plans that comply with WELO to reduce landscape water usage, incorporating either the Prescriptive Measures or the Performance Measures. • Incorporate requirements into Soil Management Report (SCA GEO-1), Landscape Design Plan and Irrigation Design Plan (SCA AES-2), and Grading Plans • Submit a Certificate of Completion and landscape	City of Oakland, Bureau of Planning; Bureau of Building: • Review and approve all landscape plans and projects for incorporation of measures compliant with WELO. City of Oakland, Bureau of Planning; Bureau of Building – Zoning Inspections; EBMUD: • Confirm receipt of Certification of Completion.

	b. Prescriptive Measures: Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance c. Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes: (1) Project (2) Water Efficient Landscape Worksheet (3) Hydrozone Information Table (4) Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (5) Soil Management Report (6) Landscape Design Plan (7) Irrigation Design Plan, and (8) Grading Plan		and irrigation maintenance schedule to City and EBMUD.	
Util-4: The Project would not generate solid waste that would exceed the permitted capacity of a landfill, nor would it violate any applicable federal, state or local statutes and regulations related to solid waste.	**SCA #74: Construction and Demolition Waste Reduction and Recycling** *Prior to approval of construction-related permit.* The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.	Submit WRRP: • Prior to approval of any construction-related permit. Conduct Work Per Approved Plan: • Ongoing, throughout all construction activities.	Project Applicant: • Submit Construction and Demolition Waste Reduction and Recycling Plan (WRRP).	City of Oakland, Bureau of Planning; Public Works – Environmental Services: • Review and approve WRRP.
Util-5: The Project would not require more energy than what the local	**SCA #78: Green Building Requirements – Small Projects**	See Utilities-1, above	See Utilities-1, above	See Utilities-1, above

energy provider (PG&E) has the capacity to serve, nor would it require construction of new energy facilities or expansion of existing facilities which could cause significant environmental effects. The Project would be subject to the requirements of currently applicable federal, state and local statutes and regulations relating to energy standards.	See Utilities-1, above			
Mitigation Measures Applicable to Alternative #5: Blasting, Rather than Drilling (Only)				
Blasting Vibrations. The use of one explosive blast, or even a limited number of smaller explosive blasts to remove the rock mass at Plot 82 would generate an instantaneous groundborne vibration and sound pressure, but would reduce the use of extreme noise-generating impact equipment to be used near the Stark Knoll residences, decreasing construction period noise levels as compared to the Project	**SCA #65: Exposure to Vibration** *Prior to approval of construction-related permit.* The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following: a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above. b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified	Submit Plan: • Prior to approval of any blasting-related permit. Conduct Work Pursuant to Approved Plan: • Ongoing, throughout all blasting activities.	Project Applicant: • Submit and implement a Vibration Reduction Plan prepared by a qualified acoustical consultant.	City of Oakland, Bureau of Planning; Oakland Fire Department: • Review and approve Plan. • Verify compliance with the Plan.

	(such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).			
	SCA #66: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities *Prior to construction.* The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could substantially interfere with activities located at the Project site and/or the historic Club Knoll building. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.	Submit Analysis: • Prior to approval of any construction-related permit. Conduct Work Pursuant to Approved Analysis: • Ongoing, throughout all construction activities.	Project Applicant: • Submit and implement Vibration Analysis prepared by appropriate qualified professional.	City of Oakland, Bureau of Planning: • Review and approve construction design means and methods identified in the Analysis. • Verify compliance with construction design means and methods identified in the Analysis.
Blasting Hazards: Implementation of the blasting operations considered under Alternative #5 could create a significant hazard to the public unless all appropriate regulations are carefully followed and all proper precautions are fully implemented.	**Alt #5 Mitigation Measure Hazards-1A: Blasting Plan.** A blasting plan that includes the following detailed elements shall be prepared and carefully followed: a. The Blasting Plan shall include evidence that a State-required blasting permit has been obtained, and the Blasting Plan must meet the approval of the appropriate City department with jurisdiction over the Project and blasting (assumed to be Oakland Fire Department). b. Submit a Blasting Plan Report to the City for review at least 30 working days prior to the day of the blast event. The report shall include localized geologic conditions, the proposed blasting program, charge loads and detonation sequencing, anticipated ground movements and other information to fully describe the blast program. The report shall also include recommended mitigation measures to eliminate any damage to nearby structures or private property, including a fabric cover to reduce fly-rock. The report will be made available to residents upon request. c. A seismic refraction study shall be prepared to determine subsurface conditions under nearby structures. d. The Blast Plan shall include blasting techniques capable of managing adverse geologic conditions and controlling vibration and air blast effects, including but not limited to reduction of ground vibration and air blast, improved fragmentation, and reduction of over-break and fly rock. Additional components of the Blasting Plan shall include:	Submit Blasting Plan: • Prior to approval of any blasting-related permit. Conduct Work Pursuant to Approved Plan: • Ongoing, throughout all blasting activities.	Project Applicant: • Submit and implement a Blasting Plan prepared by a qualified blasting engineer/consultant	City of Oakland Fire Department: • Review and approve Blasting Plan. • Verify compliance with the Plan

(1) Identification of blast officer.

(2) Scaled drawings of blast locations, and neighboring buildings, streets, or other locations which could be inhabited.

(3) Blasting notification procedures, lead times, and list of those notified. Public notification to potentially affected vibration receptors describing the expected extent and duration of the blasting.

(4) Description of means for transportation and on-site storage and security of explosives in accordance with local, State and federal regulations.

(5) Minimum acceptable weather conditions for blasting and safety provisions for potential stray current (if electric detonation).

(6) Traffic control standards and traffic safety measures (if applicable).

(7) Requirement for provision and use of personal protective equipment.

(8) Minimum standoff distances and description of blast impact zones and procedures for clearing and controlling access to blast danger.

(9) Procedures for handling, setting, wiring, and firing explosives. Also procedures for handling misfires per Federal code.

(10) Type and quantity of explosives and description of detonation device. Sequence and schedule of blasting rounds, including general method of excavation, lift heights, etc.

(11) Methods of matting or covering of blast area to prevent fly rock and excessive air blast pressure.

(12) Description of blast vibration and air blast monitoring program.

(13) Dust control measures in compliance with applicable air pollution control regulations (to interface with general construction dust control plan).

(14) Emergency Action Plan to provide emergency telephone numbers and directions to medical facilities. Procedures for action in the event of injury.

(15) Material Safety Data Sheets for each explosive or other hazardous materials to be

used.

(16) Evidence of licensing, experience, and qualifications of blasters.

(17) Description of insurance for the blasting work.

Alt #5 Mitigation Measure Hazards- 1B: Blast Survey. A Blast Survey Work Plan shall be prepared by the blaster. The Plan shall identify vibration limits protective of structures from blasting activities and identify specific monitoring points. At a minimum, a pre-blast survey shall be conducted at the nearest institutional and residential structures, prior to blasting.

a. The survey shall include visual inspection of the structures, documentation of structures by means of photographs, video, and a level survey of the ground floor of structures or the crown of major and critical utility lines, and these shall be submitted to the City. This documentation shall be reviewed with the individual owners prior to any blasting operations. The City and impacted property owners shall be notified at least 48 hours prior to the visual inspections.

b. Means for achieving a vibration and settlement threshold criteria of 0.2 inches per second (per City thresholds) shall be established by the blaster. Blast design and procedures shall established to meet or be below the threshold value, prevent settlement, slope instability, and other damage.

c. Means for achieving air blast overpressure threshold criteria of 94 VdB (per City thresholds) shall be established by the blaster. Blast design and procedures shall established to meet or be below the threshold value, prevent damage to adjacent properties and to prevent injuries to persons on-site and off-site.

d. Post-construction monitoring of structures shall be performed to identify (and repair if necessary) all damage, if any, from blasting vibrations. Any damage shall be documented by photograph, video, etc. This documentation shall be reviewed with the individual property owners.

e. Reports of the results of the blast monitoring shall be provided to the City, the local fire department, and owners of any buried utilities on or adjacent to the site within 24 hours following blasting. Reports documenting damage, excessive vibrations, etc. shall be provided to the City and impacted property owners.

Alt #5 Mitigation Measure Hazards-1C: Neighborhood Notification. The applicant shall arrange for and conduct a pre-blast neighborhood informational meeting to inform adjacent residents of the upcoming blasting program. The pre-blast meeting shall be held no later than three weeks prior to the blast event, and all residences and businesses within 2,000 feet of the blast location shall be notified in writing not later than one week prior to the meeting date.

a. The notice shall indicate the date, time and location of the meeting, the purpose of the meeting and contain a small map showing the location of the proposed blasting.

b. The meeting shall be on a date, at a time and at a location convenient to residents.

c. A representative of the Cemetery and the blasting contractor shall be present at the meeting, and shall inform residents of the nature, extent, and approximate schedule for the proposed blasting, and shall solicit input from the residents on the blasting program. The Developer shall also provide a daytime telephone number at which a responsible person representing the blasting contractor may be reached by residents in the event they have further questions or complaints during the blasting operation.

d. Prior to issuance of the blasting permit and subsequent to the above-mentioned meeting, the Developer shall submit to the City copies of the written meeting notice and any other materials sent or provided to the residents

ATTACHMENT A:
PROPOSED PROJECT PLANS, DATED JUNE 22, 2017

MOUNTAIN VIEW CEMETERY EXPANSION PROJECT
REVISED PROPOSAL

CITY OF OAKLAND

NEW PLOT 82, 98, & PANHANDLE

JUNE 22, 2017
ORIGINALLY SUBMITTED MAY 25, 2016

The revised plans respond to public comments on tree removal. The revisions preserve more trees in place and add additional trees to the tree replacement plan.

swa

CONTENTS

OBJECTIVES

*CREATE additional local community burial space (another 15-20 years)

*INFILL areas previously leapfrogged, rather than expanding outward

*CONVERT steep, unstable land to permanently improved cemetery lands

*MEET local needs for view site burials with upright monuments

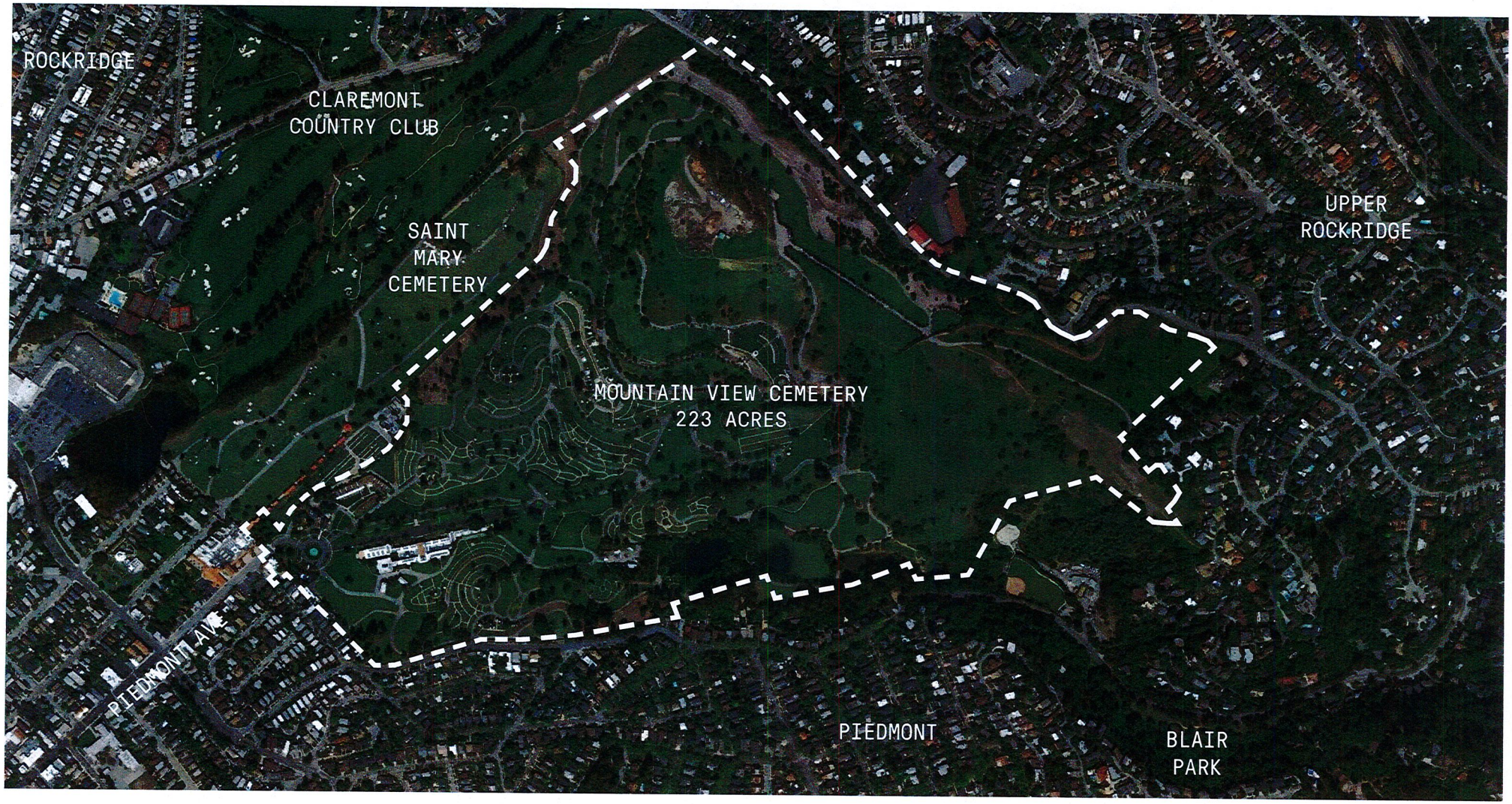
*RESPECT the cemetery's historic design and its context

*DESIGN the project to fit the site and budget

*CONTINUE to build the endowment care fund, essential to long-term cemetery service, events, and maintenance

*FUND improvements to historic areas, new tree planting, and community events

*PLAN and design such that rough grading for all three sites occurs at one time and all soil remains on site (none trucked off site)



CEMETERY BOUNDARY

MOUNTAIN VIEW CEMETERY May 2016

North

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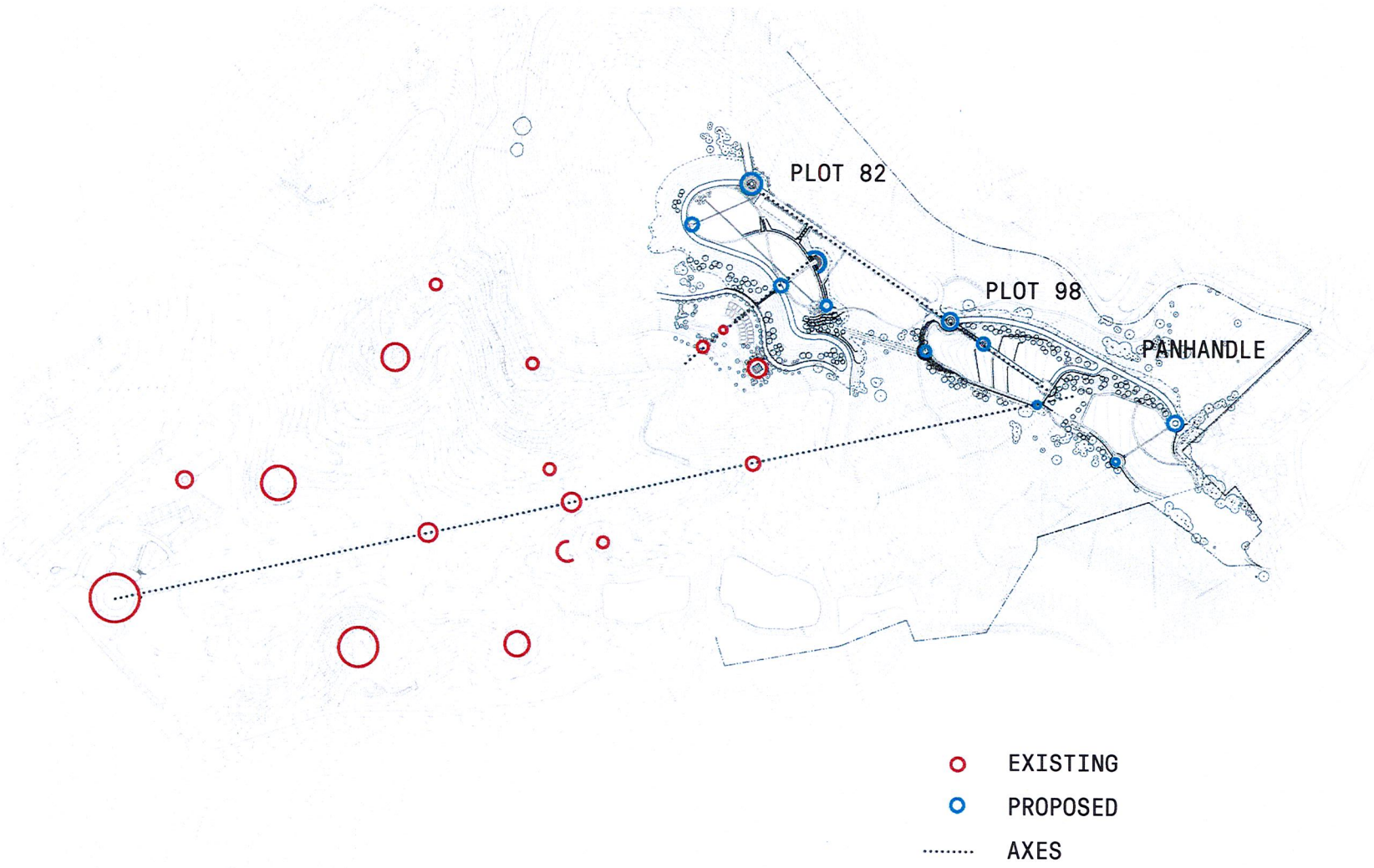

ENHANCING AND EXPANDING ALIGNMENTS AND NODES

MOUNTAIN VIEW CEMETERY May 2016

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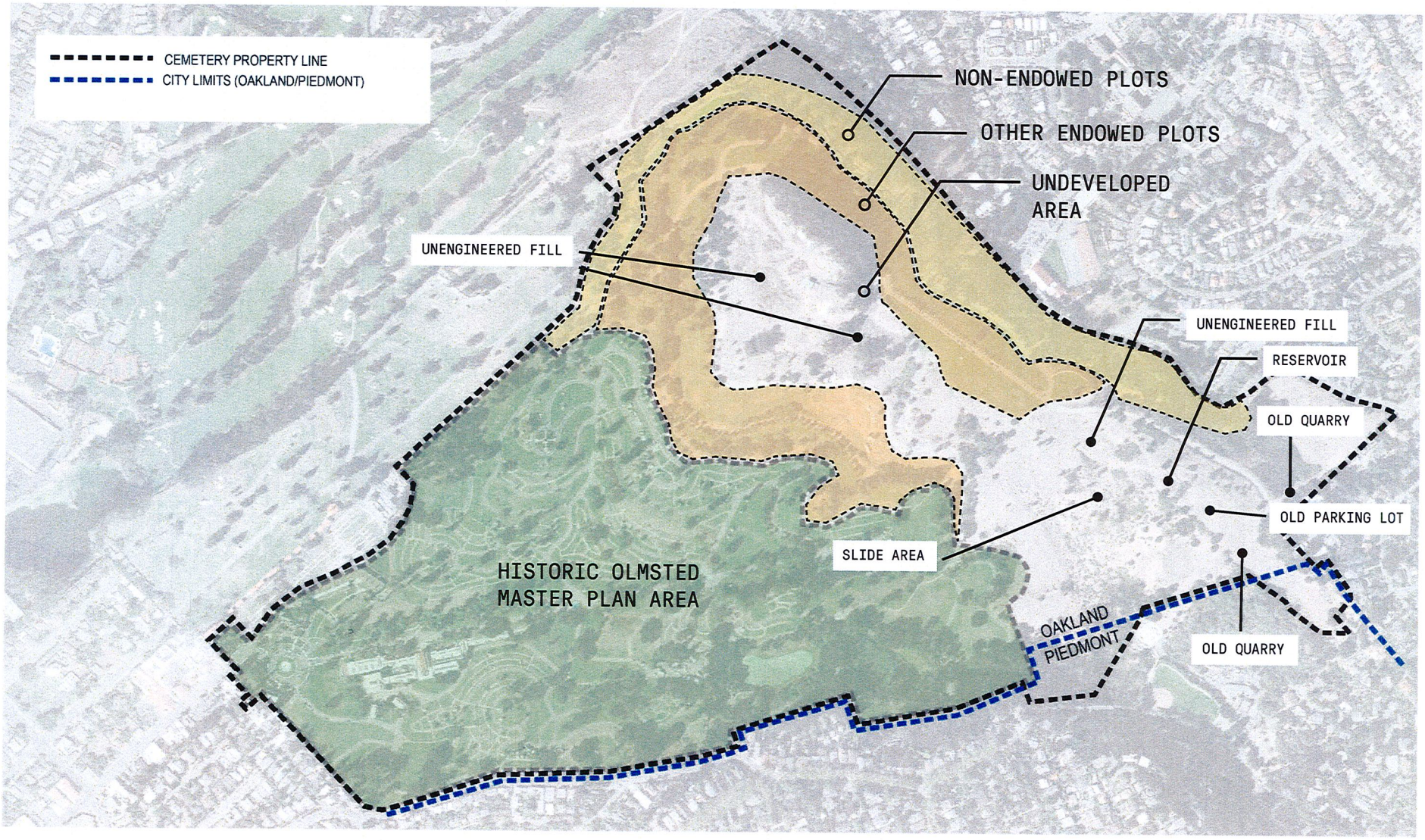

EXISTING DEVELOPED AREAS

MOUNTAIN VIEW CEMETERY May 2016

North

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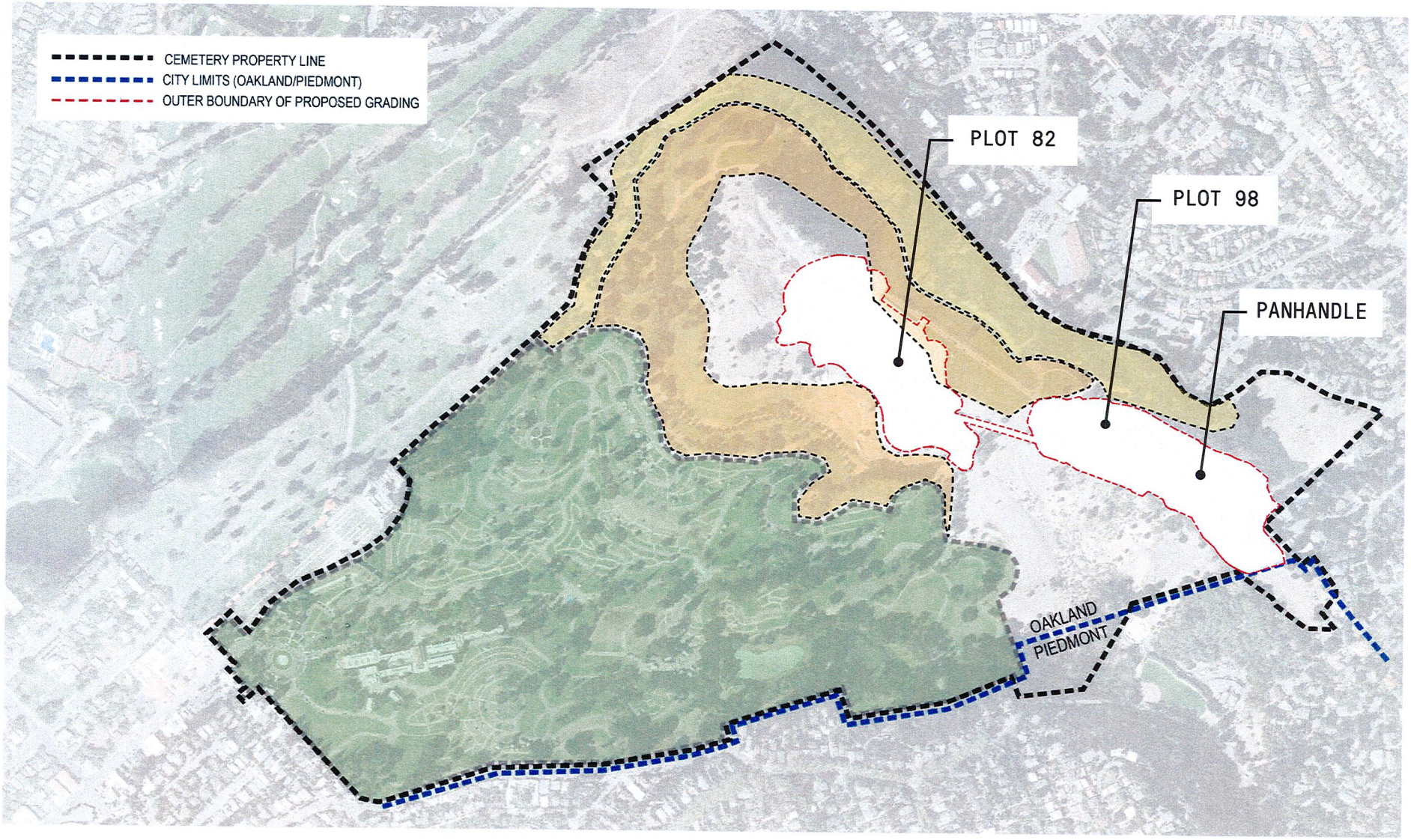

PROPOSED PROJECT LOCATION

MOUNTAIN VIEW CEMETERY May 2016

North

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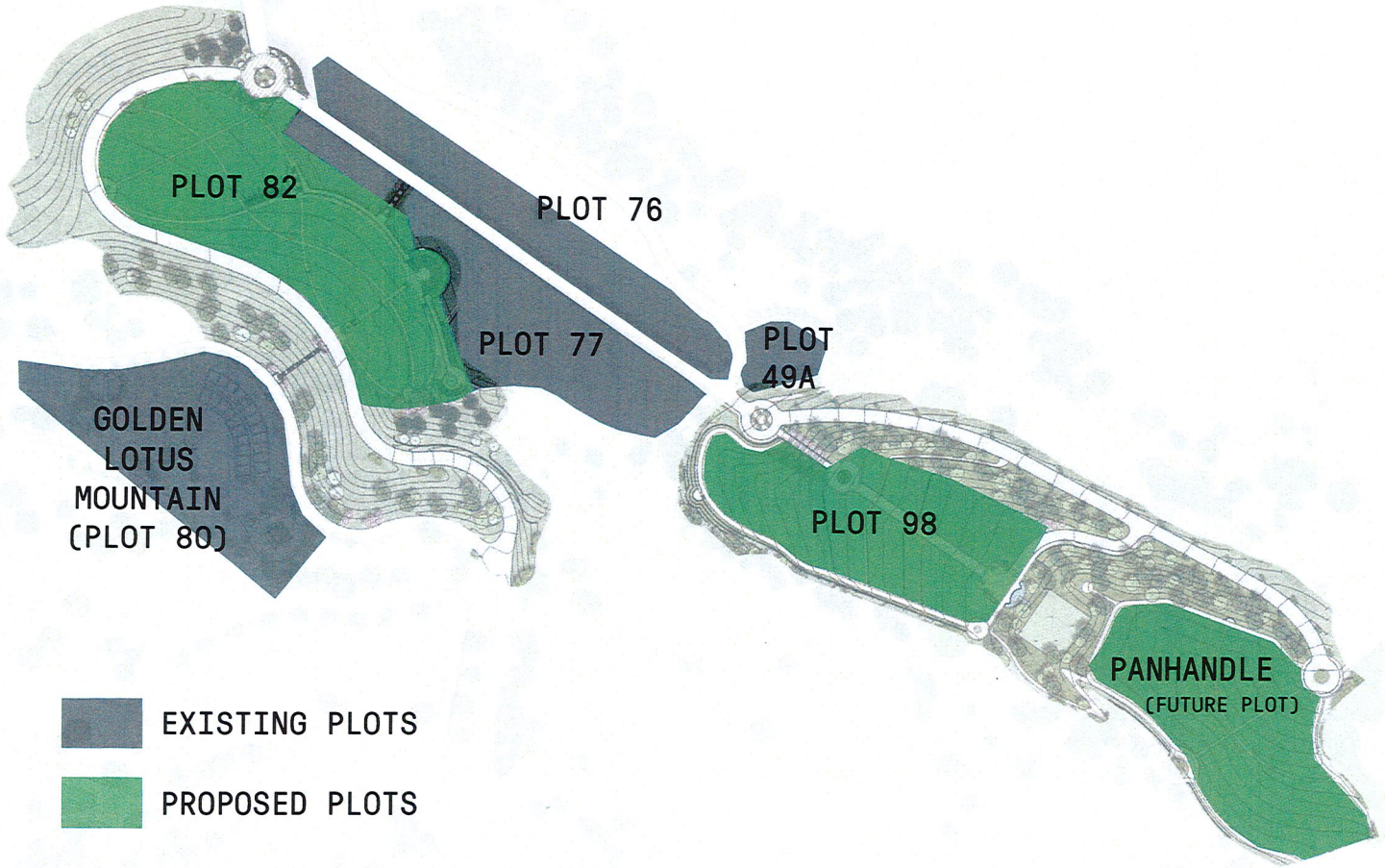

EXISTING AND PROPOSED PLOT DIAGRAM

MOUNTAIN VIEW CEMETERY May 2016

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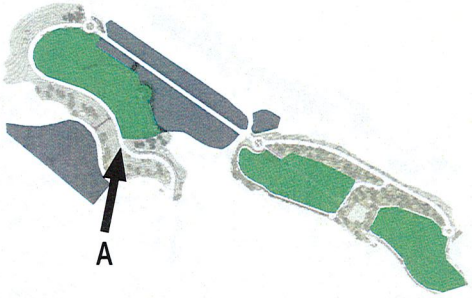
A: LOOKING UPHILL AND NORTHEAST TO PLOT 77 AND PLOT 82



EXISTING SITE CONDITIONS

MOUNTAIN VIEW CEMETERY May 2016

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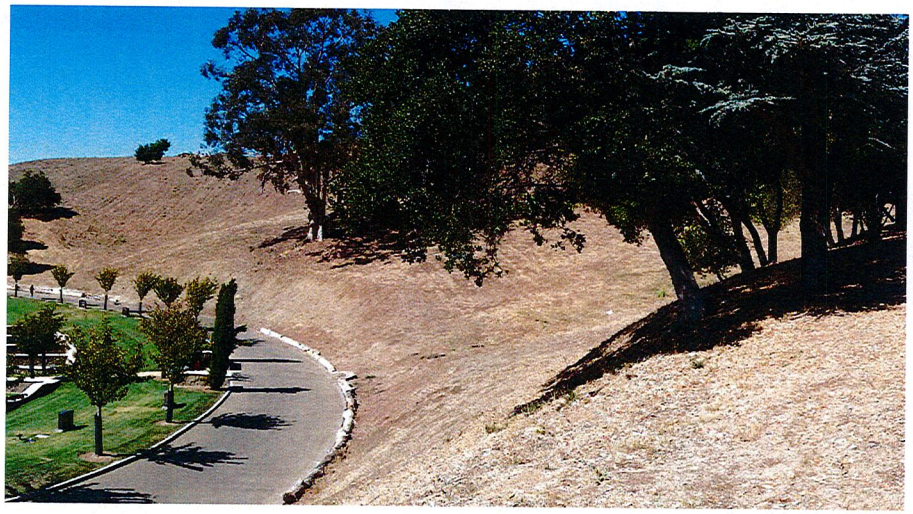


SLOPE DOWN TO PLOT 81 (GOLDEN LOTUS MOUNTAIN) LOOKING NORTHWEST

EXISTING PLOT 77 AND HILL 500 BEYOND, LOOKING NORTHWEST

LOOKING UPHILL AND NORTHEAST TO PLOT 82

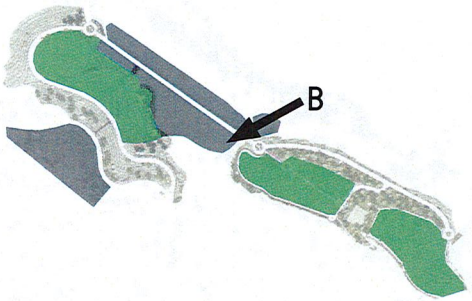
PLOT 77, ROAD UP TO PLOT 98 BEYOND, LOOKING SOUTHEAST

EXISTING SITE CONDITIONS, PLOT 82

MOUNTAIN VIEW CEMETERY May 2016

swa

B: PLOT 98 LOOKING SOUTHWEST IN SPRING



EXISTING CONDITIONS

MOUNTAIN VIEW CEMETERY May 2016

swa

HAUL ROAD LOOKING SOUTH

LOOKING NORTHWEST FROM THE EDGE OF PLOT 98

LOOKING NORTHWEST TOWARDS HILL 500

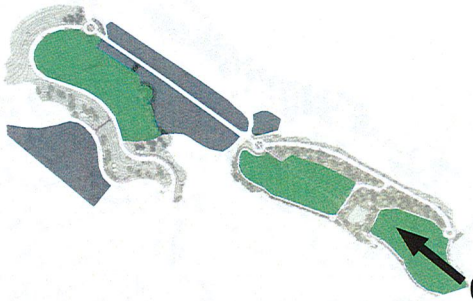
AT EXISTING GATE, LOOKING SOUTHEAST

EXISTING SITE CONDITIONS, PLOT 98

MOUNTAIN VIEW CEMETERY May 2016

swa

C: PANHANDLE LOOKING FROM STARK KNOWLES PLACE (OUTSIDE CEMETERY) WEST



EXISTING CONDITIONS

MOUNTAIN VIEW CEMETERY May 2016

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LOOKING NORTHEAST, CEMETERY BOUNDARY ON RIGHT

LOOKING NORTH TO UPPER ROCKRIDGE

LOOKING FROM CLAREWOOD TO PANHANDLE SITE EAST RIDGE

LOOKING EAST TOWARDS STARK KNOWLES PLACE FROM OLD PARKING LOT

EXISTING SITE CONDITIONS, PANHANDLE

MOUNTAIN VIEW CEMETERY May 2016

swa

EXISTING CONDITIONS VIEW WITH PROPOSED PLOTS

MOUNTAIN VIEW CEMETERY May 2016

swa

EXISTING CONDITIONS VIEW 3A WITH PROPOSED PLOTS

MOUNTAIN VIEW CEMETERY May 2016

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EXISTING CONDITIONS VIEW 4B WITH PROPOSED PLOTS

MOUNTAIN VIEW CEMETERY May 2016

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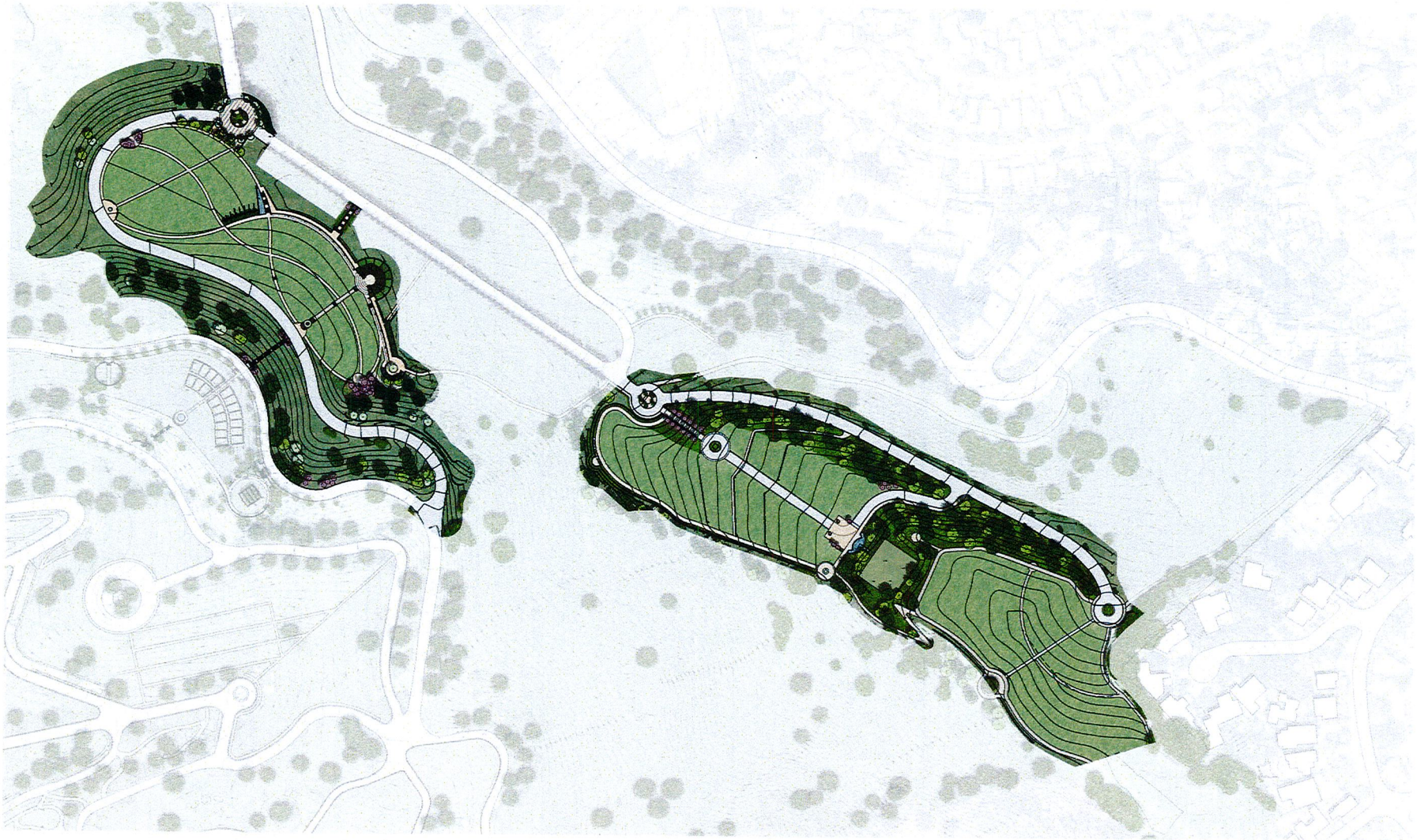

PLOT 82, 98, AND PANHANDLE ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016

North

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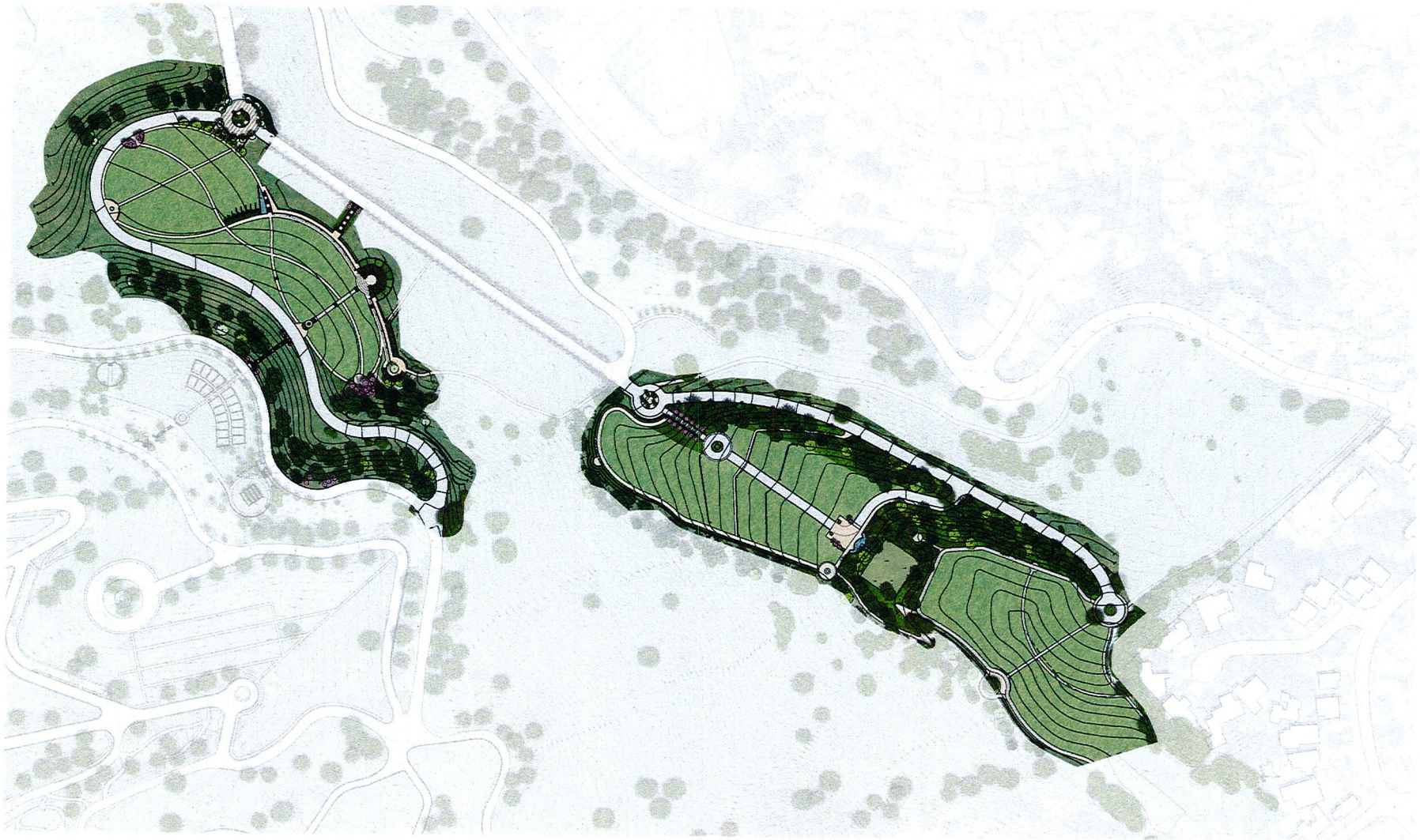

PLOT 82, 98, AND PANHANDLE ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

North

swa

[18A]

1. PLANTING
2. CYPRESS PLANTING
3. NORTH ARRIVAL
4. LOOP PATHWAY
5. POTENTIAL WATER FEATURE
6. UPPER WALK
7. LOWER WALK AND CRYPT ACCESS
8. STAIR FROM ROAD TO UPPER WALK
9. ACCESSIBLE WALK WITH NICHE WALL
10. AMPHITHEATER
11. STAIR TO LOWER WALK, NICHE WALL
12. REDWOOD GROVE
13. GATHERING AREA WITH FOCAL POINT
14. DROP-OFF
15. STAIR TO PLOT 80
16. MINOR PATH
17. DROP-OFF WITH WATER FEATURE
18. NODE WITH SEATING
19. SLOPE REPAIR AND PLANTING

North

PLOT 82 ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016

swa

1. PLANTING
2. CYPRESS PLANTING
3. NORTH ARRIVAL
4. LOOP PATHWAY
5. POTENTIAL WATER FEATURE
6. UPPER WALK
7. LOWER WALK AND CRYPT ACCESS
8. STAIR FROM ROAD TO UPPER WALK
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19. SLOPE REPAIR AND PLANTING

PLOT 82 ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

North

swa

1. CYPRESS PLANTING
2. EXISTING FIRE ROAD
3. STAIR WITH FLOWERING TREES
4. RETAINING WALL ALONG WALK
5. ACCESSIBLE OVERLOOK WITH RAMP
6. STEPPED RETAINING WALLS
7. WALK WITH 30"h RETAINING WALL, TYP.
8. RETAINING WALL WITH 4'h RAIL
9. OVERLOOK ALIGNED WITH HISTORICAL AXIS
10. ROAD TERMINUS
11. ARRIVAL AREA
12. POTENTIAL WATER FEATURE AT NICHES
13. WALK AND RETAINING WALL
14. VEHICULAR TERMINUS WITH NICHE WALL
15. VIEW AREA
16. GRAVEL PATH CONNECTION
17. OVERLOOK WITH EXISTING MATURE TREE
18. PLANTED SLOPE
19. SLOPE REPAIR AND PLANTING

PLOT 98 AND PANHANDLE ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016

North

swa

1. CYPRESS PLANTING
2. EXISTING FIRE ROAD
3. STAIR WITH FLOWERING TREES
4. RETAINING WALL ALONG WALK
5. ACCESSIBLE OVERLOOK WITH RAMP
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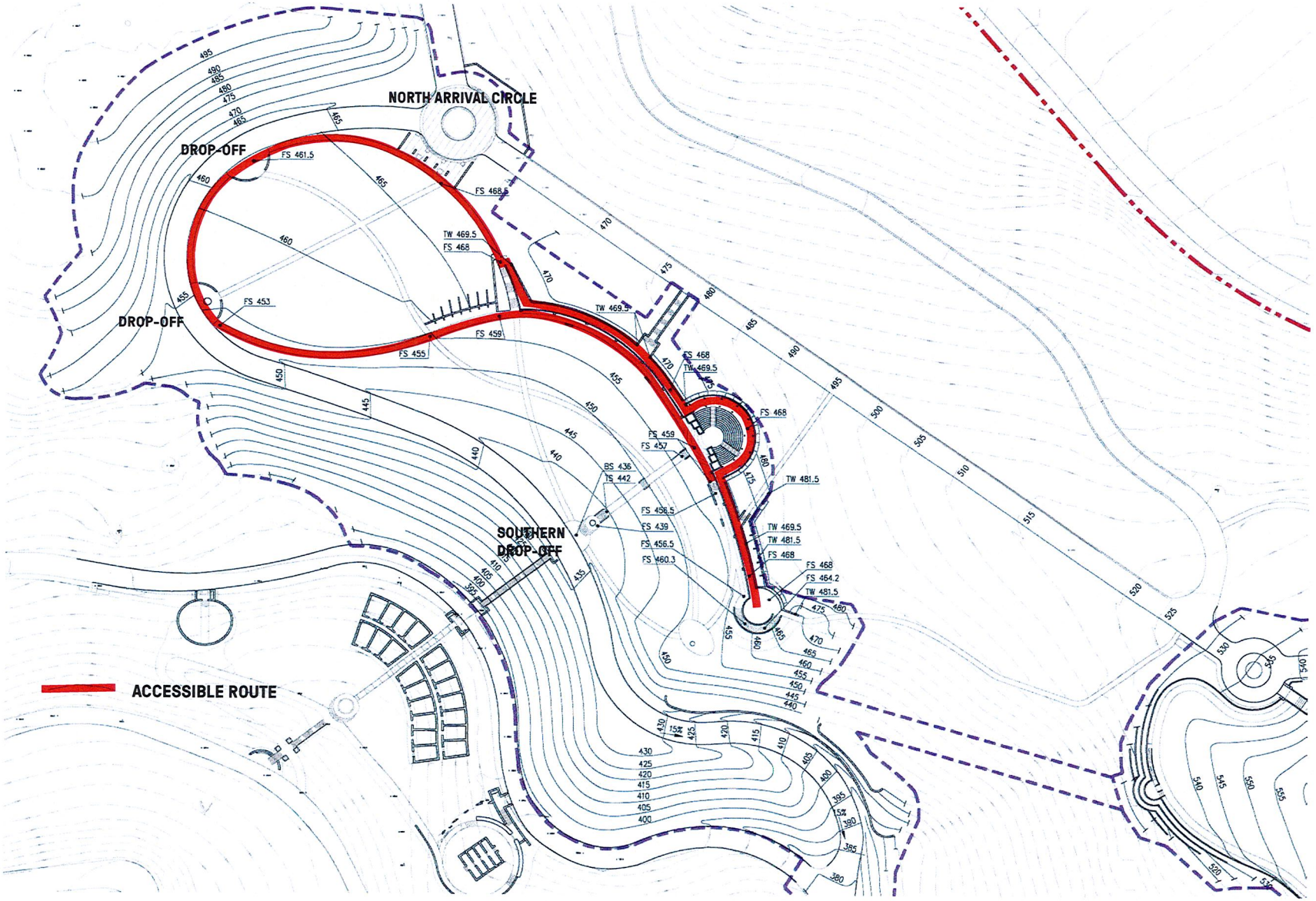
PLOT 98 AND PANHANDLE ILLUSTRATIVE PLAN

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

North

swa

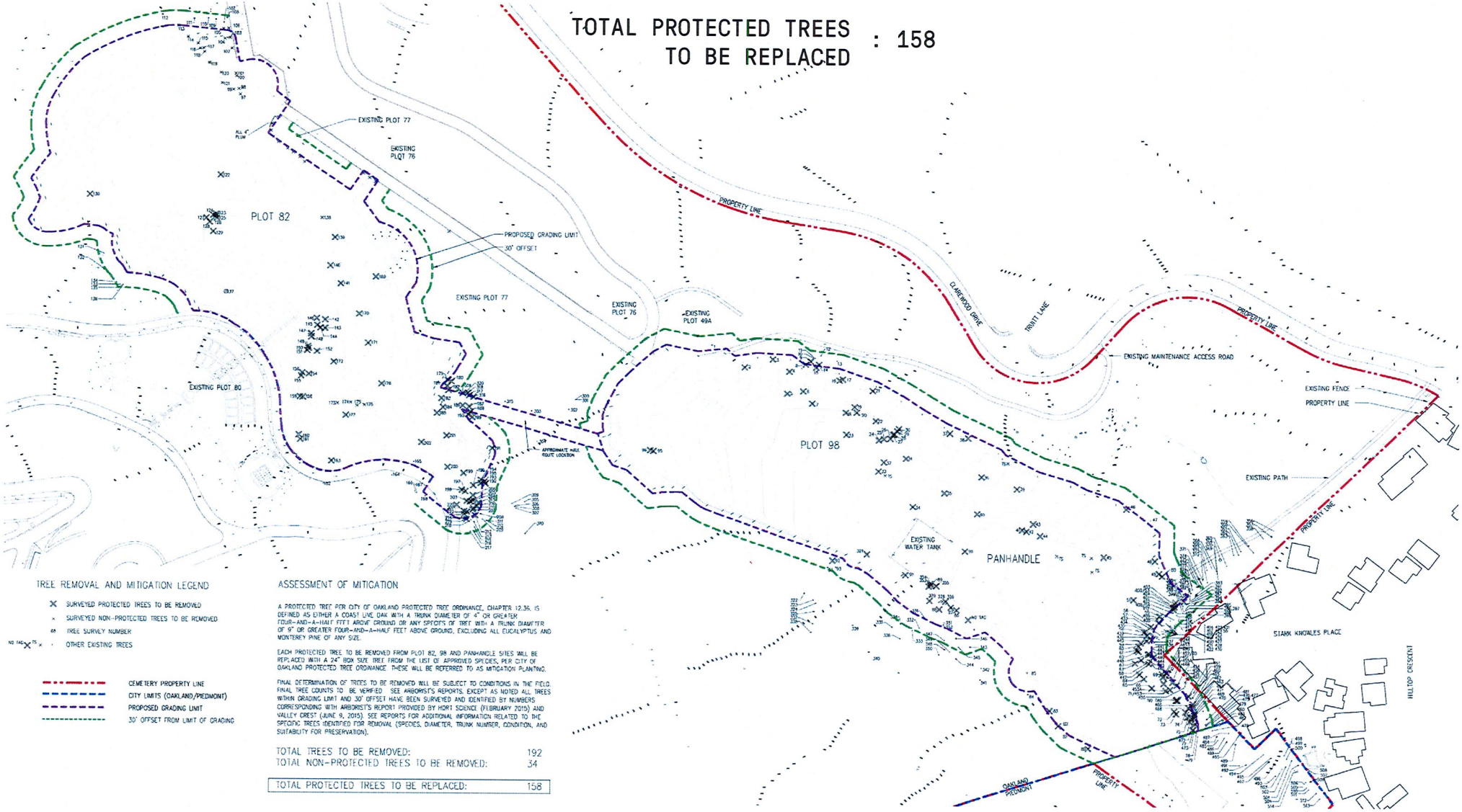
[20A]



PLOT 82, ADA PATH OF TRAVEL

MOUNTAIN VIEW CEMETERY May 2016

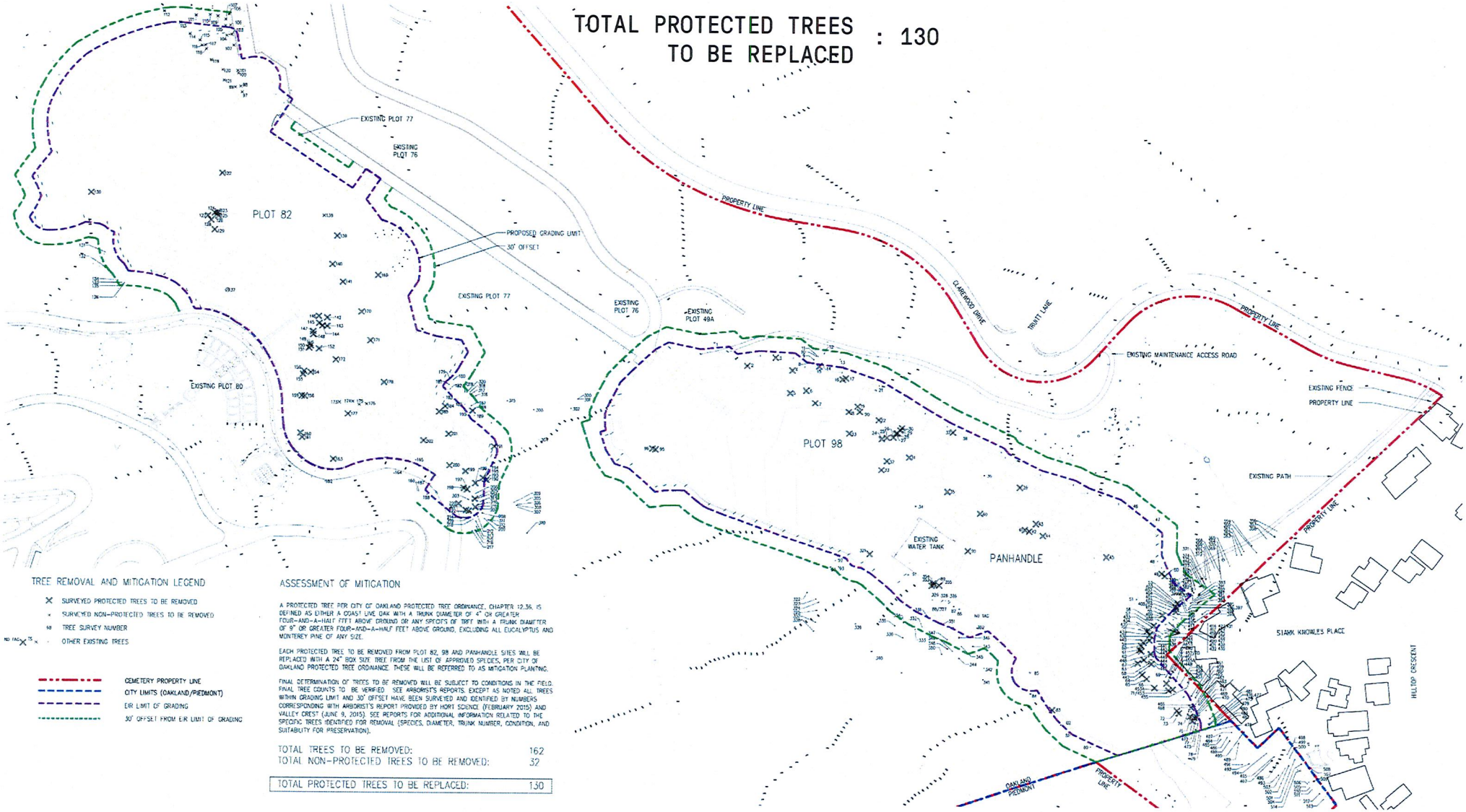
swa



PLOT 82, 98, AND PANHANDLE TREE IMPACT AND REMOVAL PLAN

MOUNTAIN VIEW CEMETERY May 2016

swa

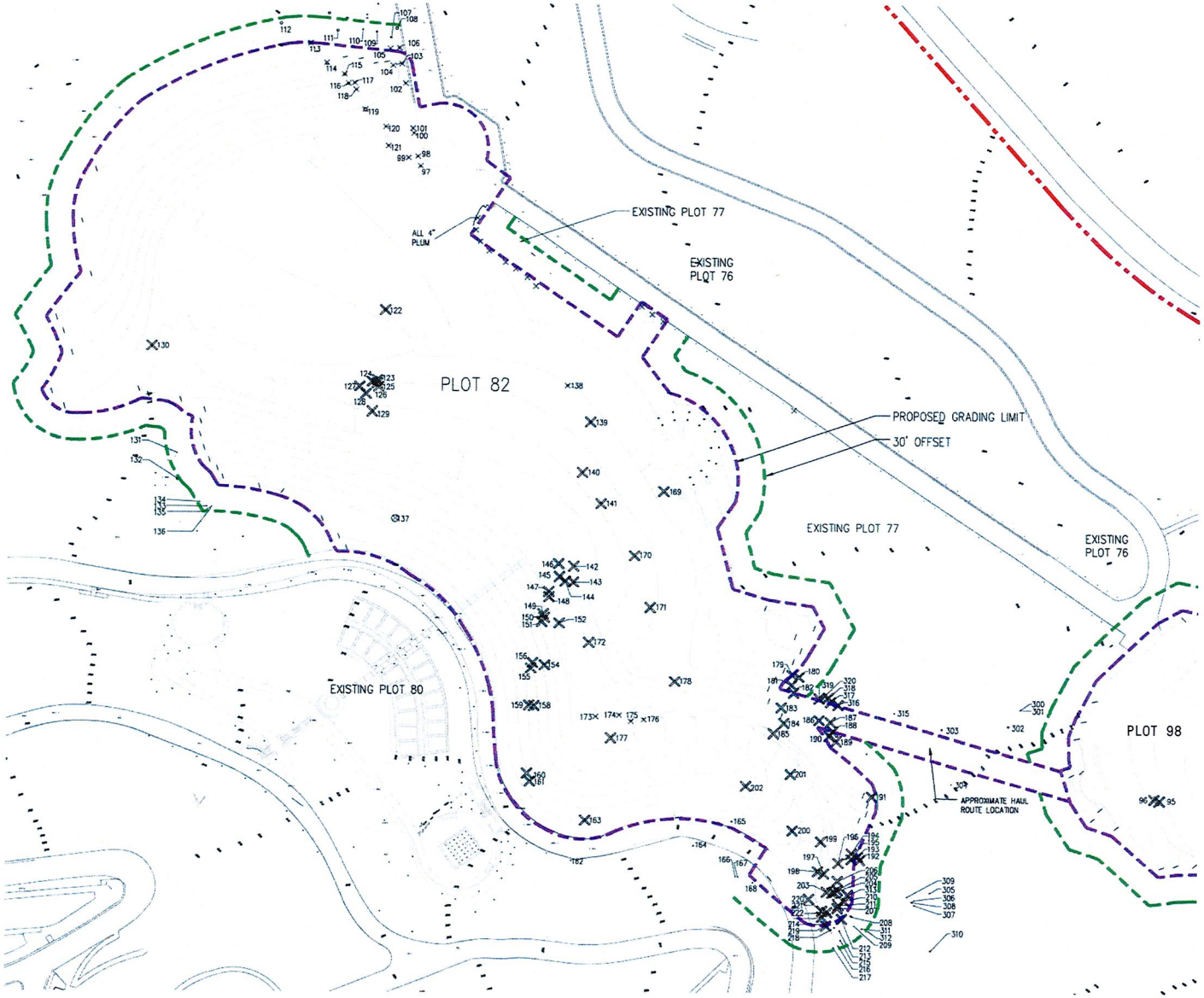


PLOT 82, 98, AND PANHANDLE TREE IMPACT AND REMOVAL PLAN

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa

[22A]



TREE REMOVAL AND MITIGATION LEGEND

- SURVEYED PROTECTED TREES TO BE REMOVED
- SURVEYED NON-PROTECTED TREES TO BE REMOVED
- TREE SURVEY NUMBER
- OTHER EXISTING TREES

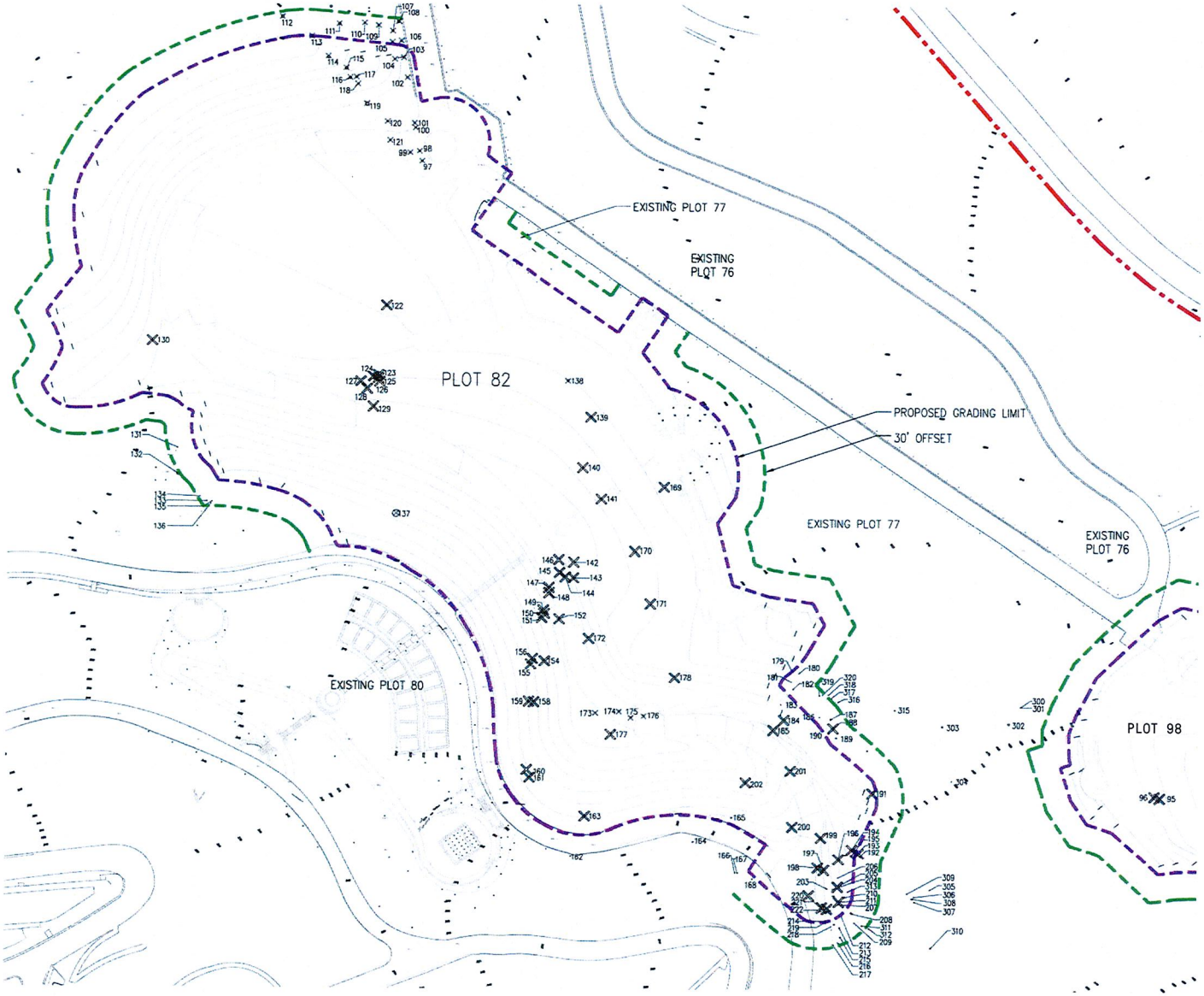
- CEMETERY PROPERTY LINE
- CITY LIMITS (OAKLAND/PIEDMONT)
- PROPOSED GRADING LIMIT
- 30' OFFSET FROM LIMIT OF GRADING

North

PLOT 82, TREE IMPACT AND REMOVAL ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016

swa



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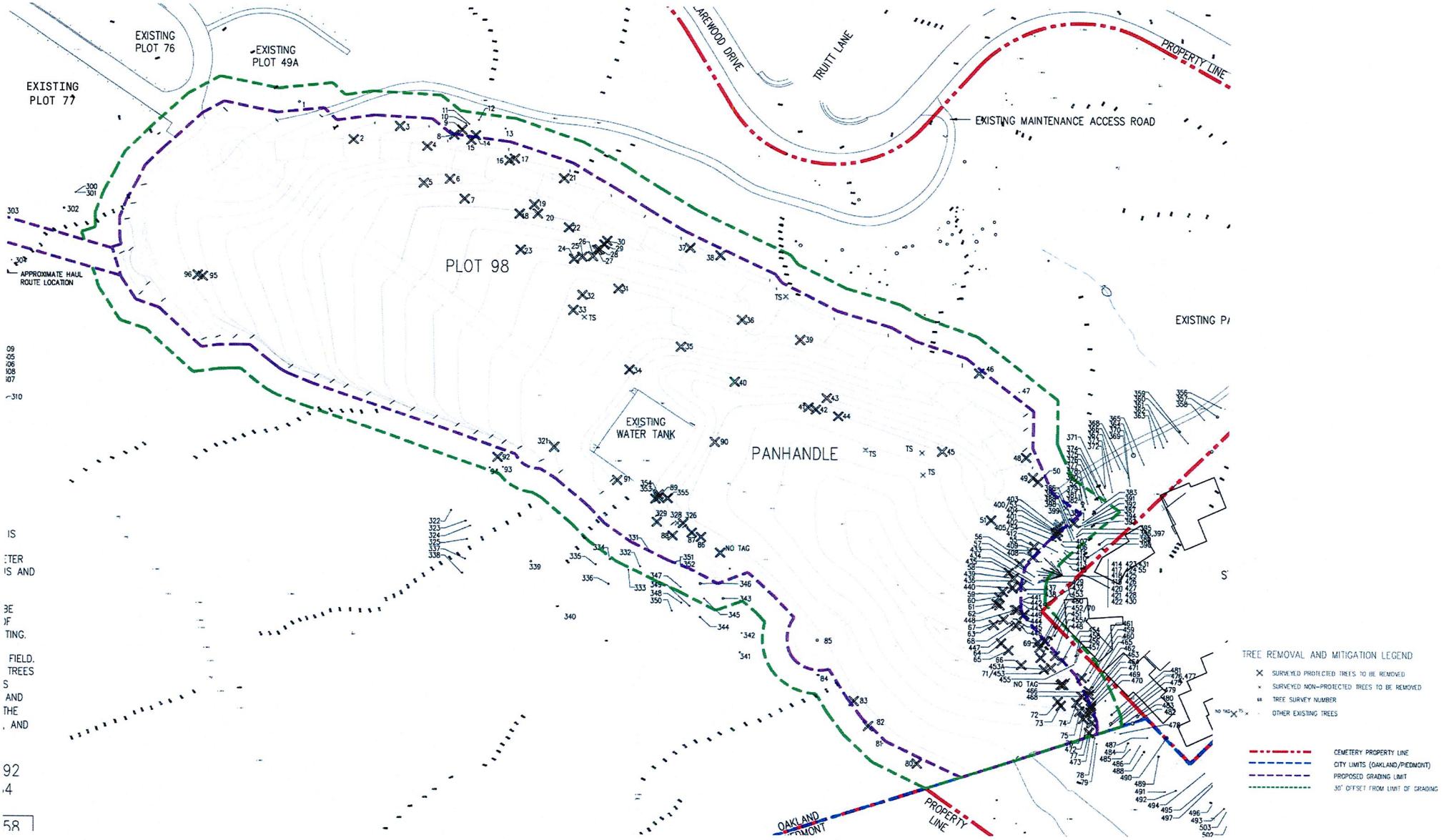
North

PLOT 82, TREE IMPACT AND REMOVAL ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa

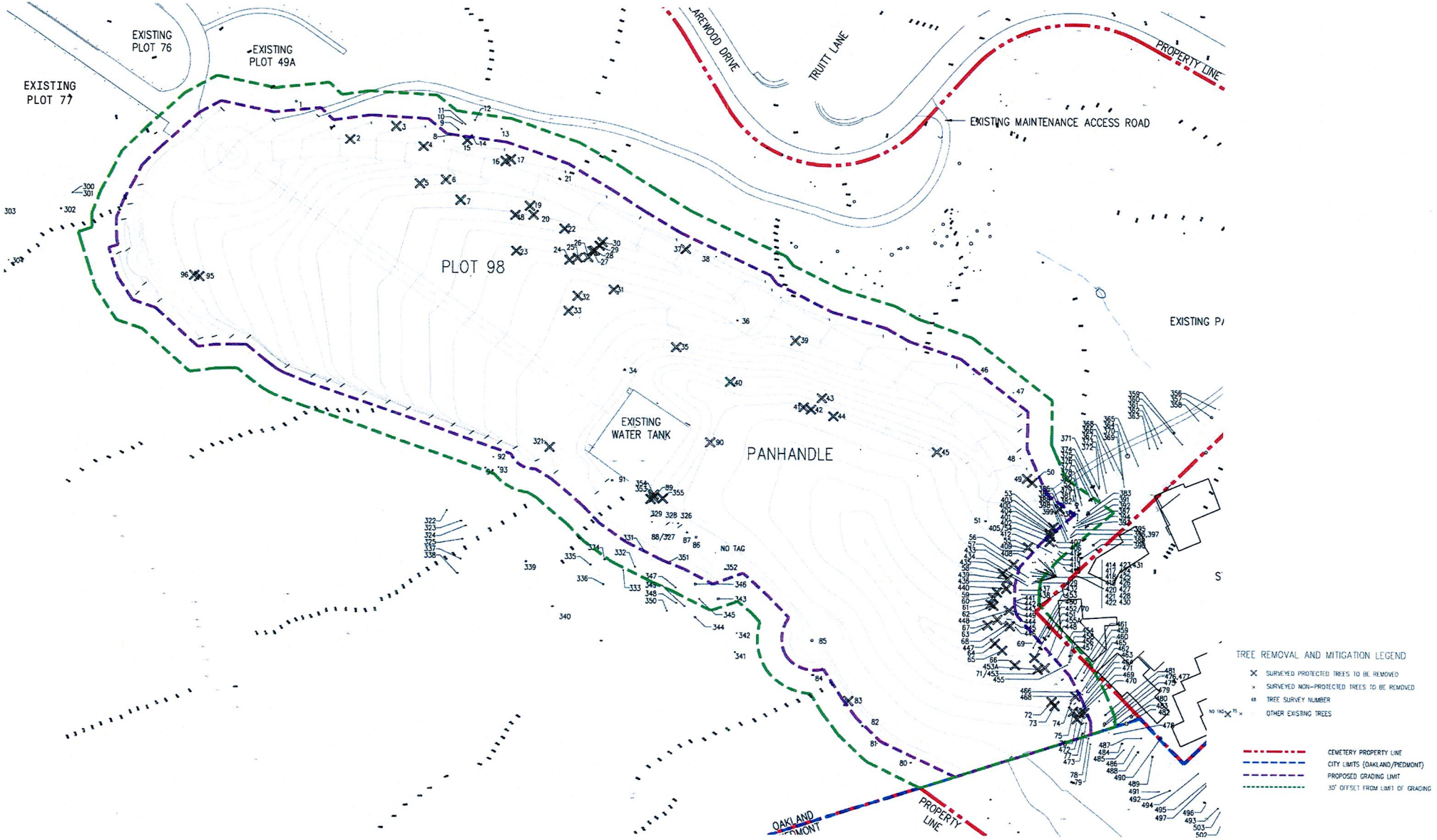
[23A]



PLOT 98 AND PANHANDLE TREE IMPACT AND REMOVAL ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016

swa

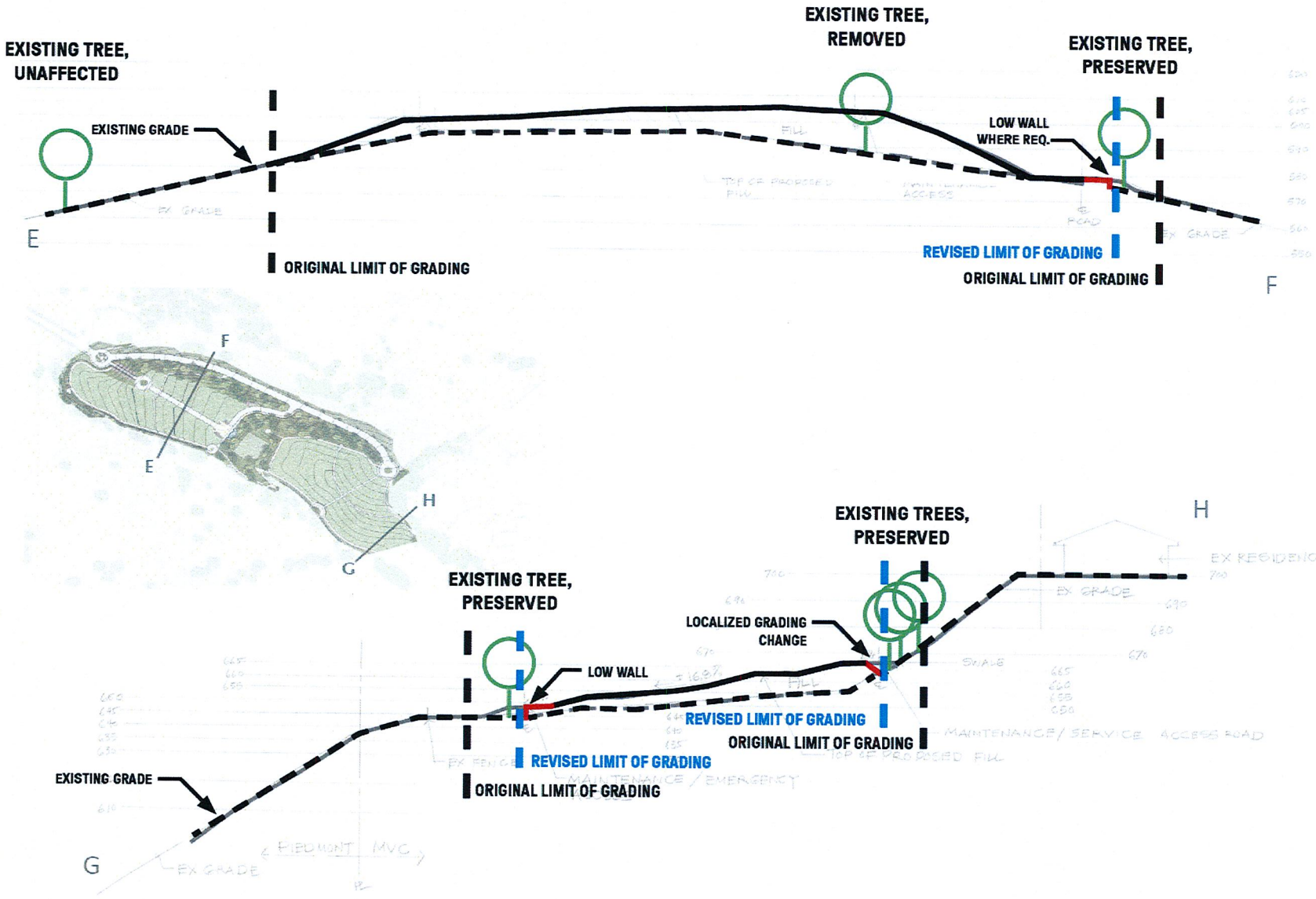


PLOT 98 AND PANHANDLE TREE IMPACT AND REMOVAL ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa

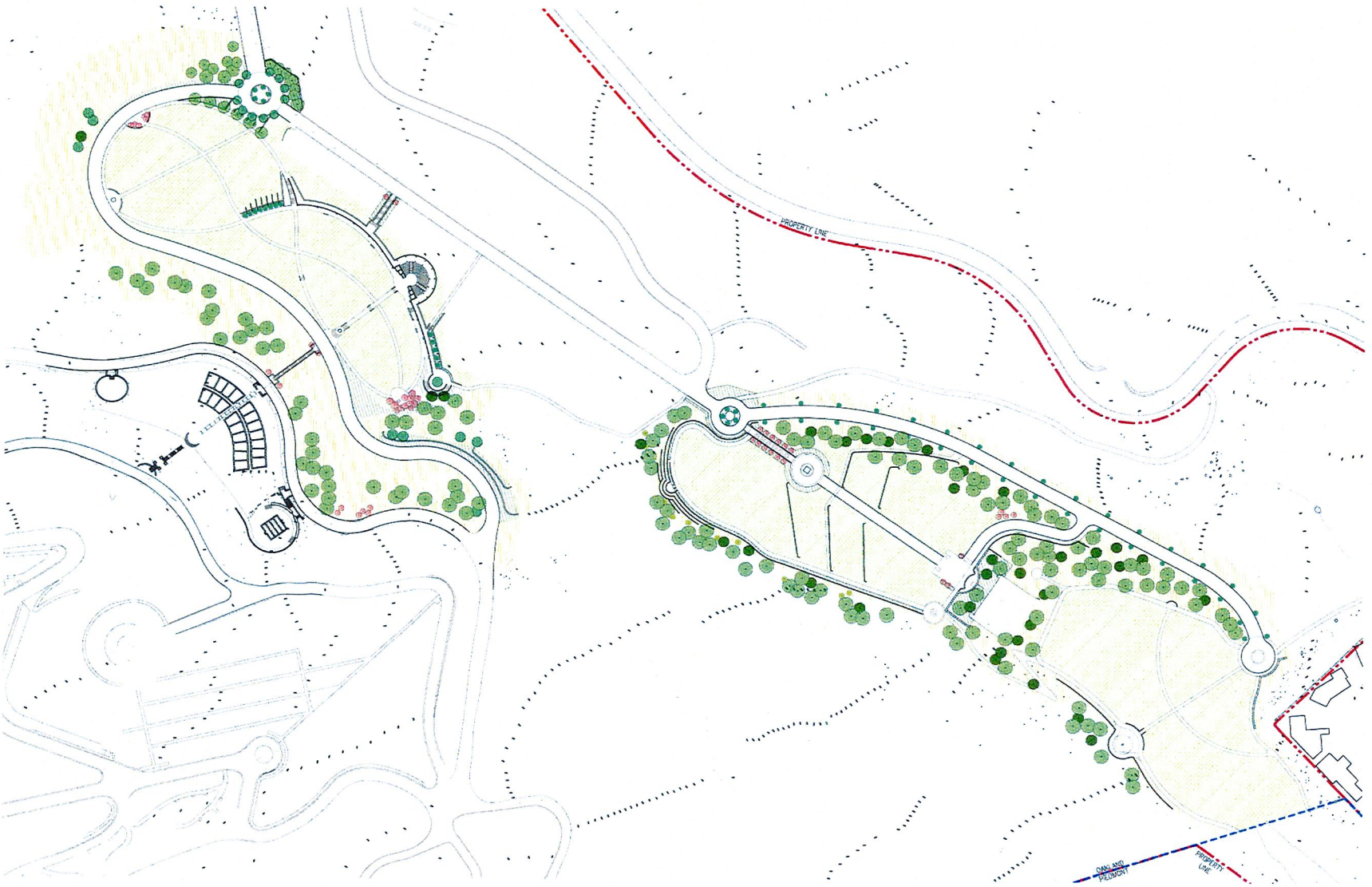
[24A]



TREE PRESERVATION MEASURES, TYPICAL

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa



TREE PLANTING KEY

REPLACEMENT PLANTING *		
OMC 12.36.060 (B) APPROVED REPLACEMENT PLANTING	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE
	QUERCUS AGRIFOLIA	COAST LIVE OAK
	SEQUOIA SEMPERVIRENS	COAST REDWOOD
	ARBUTUS MENZIESII	MADRONE
	UMBELLULARIA CALIFORNICA	CALIFORNIA BAY LAUREL

ADDITIONAL PLANTING		
CANOPY	QUERCUS ENGELMANII	MESA OAK
	QUERCUS TOMENTELLA	ISLAND OAK
	QUERCUS WISLIZENI	INTERIOR LIVE OAK
	CEDRUS DEODORA	DEODAR CEDAR
	CALOCEDRUS DECURRENS	INCENSE CEDAR
	CEDRUS ATLANTICA	ATLAS CEDAR
	QUERCUS DOUGLASII	BLUE OAK
	QUERCUS GARRYANA	OREGON WHITE OAK
	QUERCUS KELLOGGII	CALIFORNIA BLACK OAK
	QUERCUS LOBATA	VALLEY OAK
	QUERCUS CHRYSOLEPIS	CANYON LIVE OAK
ACCENT	CUPRESSUS SEMPERVIRENS	MEDITERRANEAN CYPRESS
	LAGERSTROEMIA INDICA	CRAPE MYRTLE
	PRUNUS ANGUSTIFOLIA	CHICKSAW PLUM
	PRUNUS CERASIFERA	CHERRY PLUM
	PRUNUS SERRULATA 'KWANZAN'	FLOWERING CHERRY
SHRUB MASSING AND GROUND COVER	ARCTOSTAPHYLOS DENSIFLORA 'HOWARD MCMINN'	MANZANITA
	ARCTOSTAPHYLOS UVA-URSI	MANZANITA
	BACCHARIS 'STARN'	COYOTEBUSH
	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLUE GRAMA GRASS
	CARPENTERIA CALIFORNICA	BUSH ANEMONE
	CEANOTHUS 'BLUE JEANS'	CALIFORNIA WILD LILAC
	CEANOTHUS 'DARK STAR'	CALIFORNIA WILD LILAC
	CEANOTHUS GRISEUS 'LOUIS EDMUNDS'	CALIFORNIA WILD LILAC
	CISTUS LAURIFOLIUS	ROCKROSE
	DODONEA VISCOSA	HOPSEED BUSH
	FESTUCA CALIFORNICA 'HORSE MOUNTAIN GREEN'	CALIFORNIA FESCUE
	FRANGULA CALIFORNICA	COFFEEBERRY
	HETEROMELES ARBUTIFOLIA	TOYON
	MUHLENBERGIA RIGENS	DEER GRASS
	QUERCUS DURATA	LEATHER OAK
	QUERCUS BERBERIDIFOLIA	SCRUB OAK
	SAMBUCUS MEXICANA	BLUE ELDERBERRY

LAWN

HYDROSEED AREA (NATIVE GRASS AND WILDFLOWERS)

EXISTING TREES TO REMAIN

* Alternative replacement species may include native species from canopy list.

North

PLOT 82, 98, AND PANHANDLE PRELIMINARY PLANTING PLAN

MOUNTAIN VIEW CEMETERY May 2016

swa

TREE PLANTING KEY

EVERGREEN

REPLACEMENT PLANTING *		
OMC 12.36.060 (B) APPROVED REPLACEMENT PLANTING	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE
	QUERCUS AGRIFOLIA	COAST LIVE OAK
	SEQUOIA SEMPERVIRENS	COAST REDWOOD
	ARBUTUS MENZIESII	MADRONE
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CANOPY	QUERCUS ENGELMANII	MESA OAK
	QUERCUS TOMENTELLA	ISLAND OAK
	QUERCUS WISLIZENII	INTERIOR LIVE OAK
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	CALOCEDRUS DECURRENS	INCENSE CEDAR
	CEDRUS ATLANTICA	ATLAS CEDAR
	ACER MACROPHYLLUM	BIG LEAF MAPLE
	QUERCUS DOUGLASII	BLUE OAK
	QUERCUS GARRYANA	OREGON WHITE OAK
	QUERCUS KELLOGGII	CALIFORNIA BLACK OAK
	QUERCUS LOBATA	VALLEY OAK
	QUERCUS CHRYSOLEPIS	CANYON LIVE OAK
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	LAGERSTROEMIA INDICA	CRAPE MYRTLE
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	QUERCUS BERBERIDIFOLIA	SCRUB OAK
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10 60" BOX OAKS

LAWN

HYDROSEED AREA (NATIVE GRASS AND WILDFLOWERS)

EXISTING TREE, "AT RISK", TO BE PROTECTED

EXISTING TREE, PRESERVED

EXISTING OAKS WITHIN LIMIT OF GRADING PRESERVED IN PLACE (PREVIOUSLY REMOVED PER DEIR)

TREE LOCATION PER DEIR

* Alternative replacement species may include native species from canopy list.

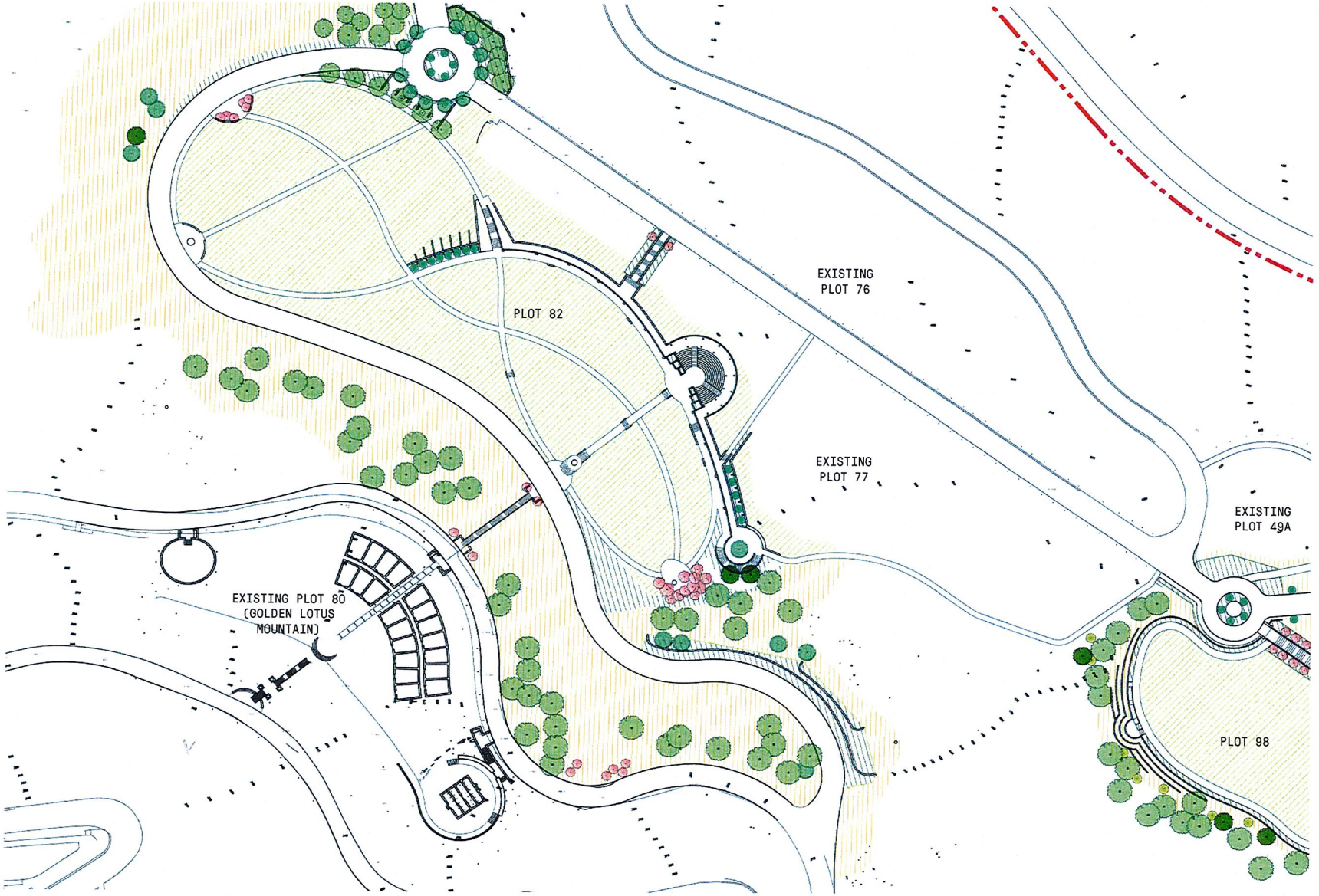
North

PLOT 82, 98, AND PANHANDLE PRELIMINARY PLANTING PLAN

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa

[25A]



TREE PLANTING KEY

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	CEANOTHUS 'DARK STAR'	CALIFORNIA WILD LILAC
	CEANOTHUS ORNATUS 'LOUIS EDMUNDS'	CALIFORNIA WILD LILAC
	CISTUS LAURIFOLIUS	ROCKROSE
	DODONEA VISCOSA	HOPSEED BUSH
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	FRANGULA CALIFORNICA	COFFEEBERRY
	HETEROMELES ARBUTIFOLIA	TOYON
	MUHLENBERGIA RIGENS	DEER GRASS
	QUERCUS DURATA	LEATHER OAK
	QUERCUS BERBERIDIFOLIA	SCRUB OAK
	SAMBUCUS MEXICANA	BLUE ELDERBERRY

LAWN

HYDROSEED AREA (NATIVE GRASS AND WILDFLOWERS)

EXISTING TREES TO REMAIN

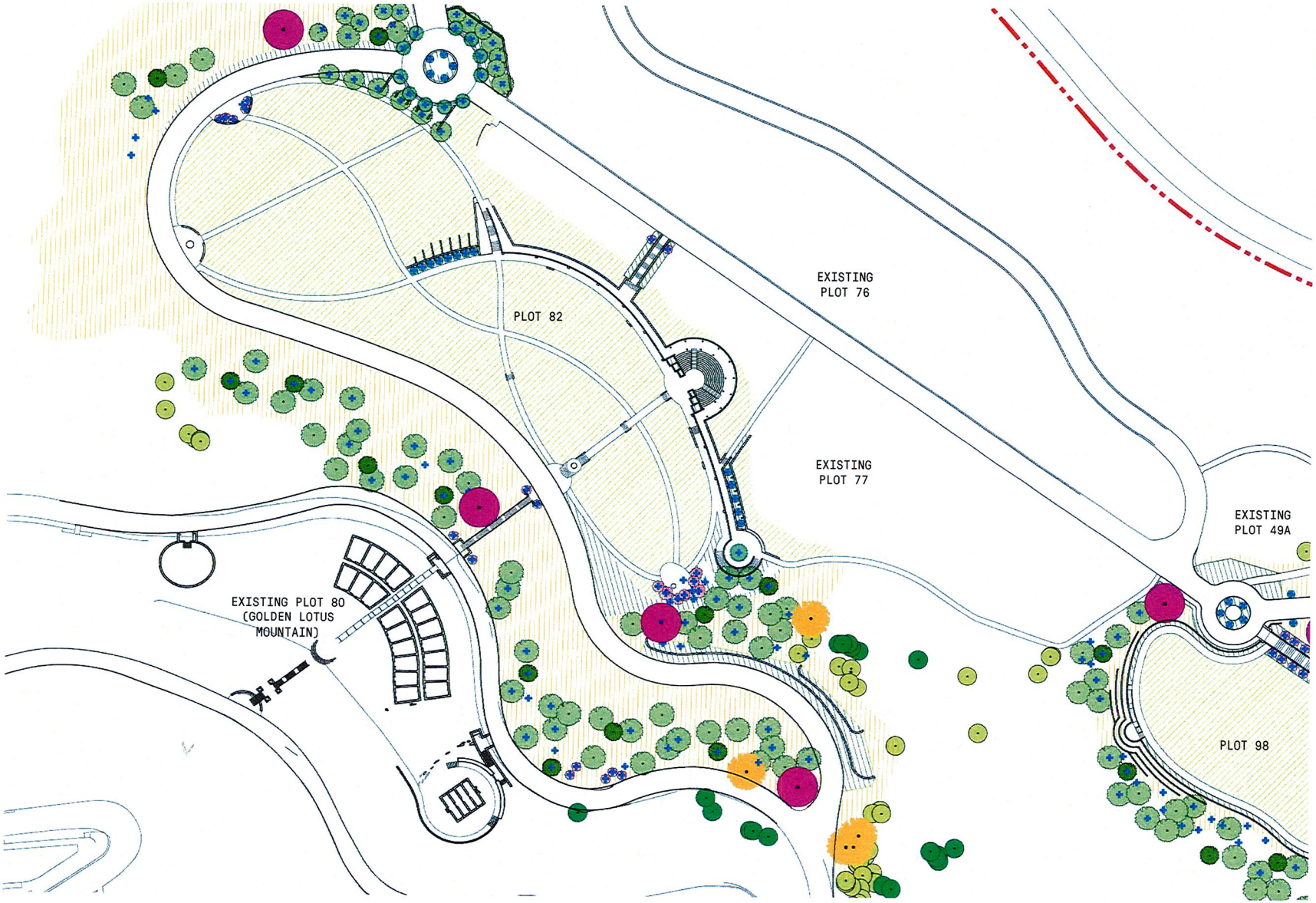
* Alternative replacement species may include native species from canopy list.

North

PLOT 82 PRELIMINARY PLANTING PLAN ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016

swa



TREE PLANTING KEY

EVERGREEN

REPLACEMENT PLANTING *		
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	FRANGULA CALIFORNICA	COFFEEBERRY
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	MUHLENBERGIA RIGENS	DEER GRASS
	QUERCUS DUMOSA	LEATHER OAK
	QUERCUS BERBERIDIFOLIA	SCRUB OAK
	SAMBUCUS MEXICANA	BLUE ELDERBERRY

10 60" BOX OAKS

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EXISTING TREE, "AT RISK", TO BE PROTECTED

EXISTING TREE, PRESERVED

EXISTING OAKS WITHIN LIMIT OF GRADING PRESERVED IN PLACE (PREVIOUSLY REMOVED PER DEIR)

TREE LOCATION PER DEIR

* Alternative replacement species may include native species from canopy list.

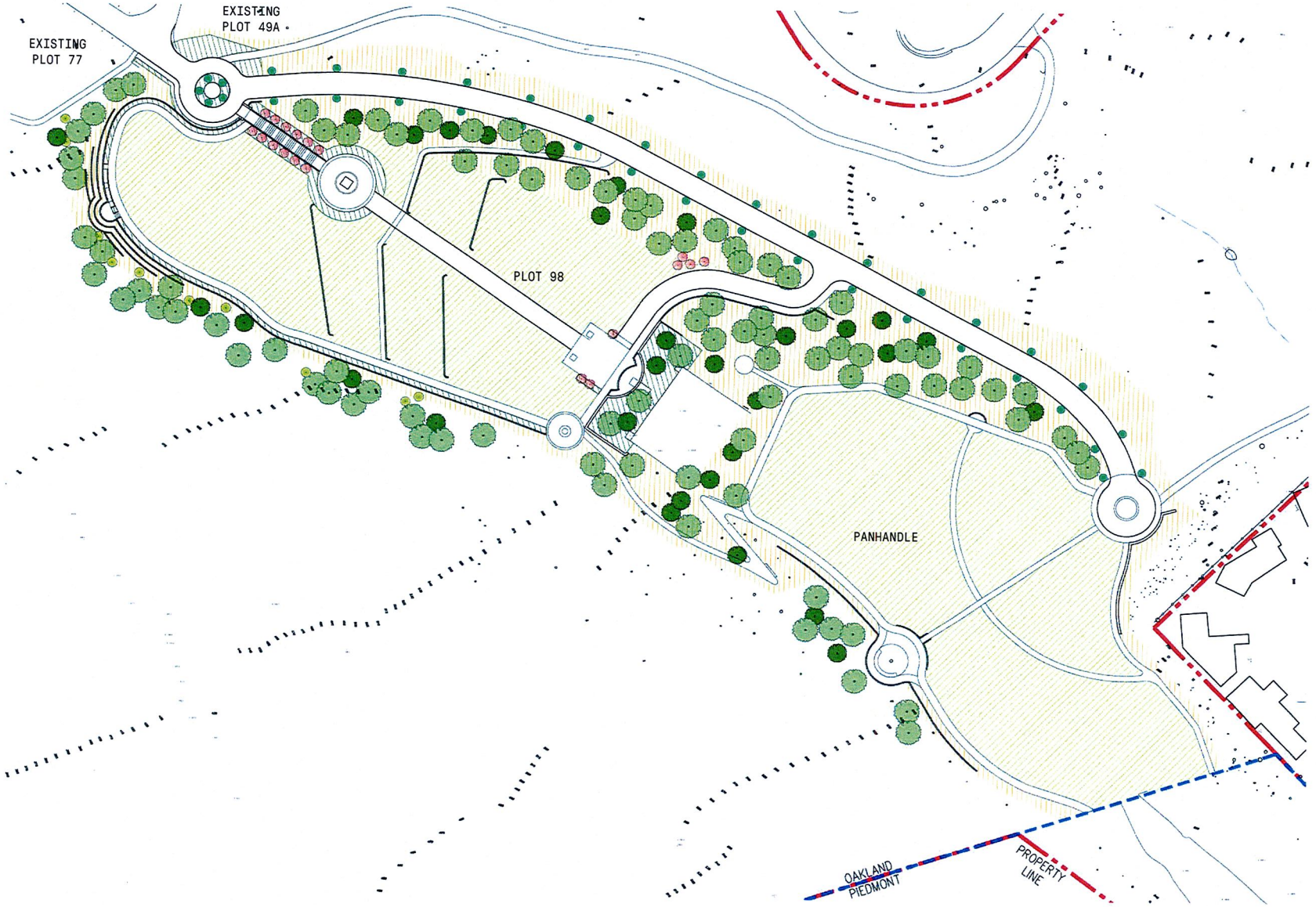
North

PLOT 82 PRELIMINARY PLANTING PLAN ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

swa

[26A]



TREE PLANTING KEY

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	CEDRUS ATLANTICA	ATLAS CEDAR
	QUERCUS DOUGLASII	BLUE OAK
	QUERCUS GARRYANA	OREGON WHITE OAK
	QUERCUS KELLOGGII	CALIFORNIA BLACK OAK
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	BACCHARIS 'STARN'	COYOTEBUSH
	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLUE GRAMA GRASS
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	CEANOTHUS 'DARK STAR'	CALIFORNIA WILD LILAC
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	CISTUS LAURIFOLIUS	ROCKROSE
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	FRANGULA CALIFORNICA	COFFEEBERRY
	HETEROMELES ARBUTIFOLIA	TOYON
	MUHLENBERGIA RIGENS	DEER GRASS
	QUERCUS DURATA	LEATHER OAK
	QUERCUS BERBERIDIFOLIA	SCRUB OAK
	SAMBUCUS MEXICANA	BLUE ELDERBERRY

LAWN

HYDROSEED AREA (NATIVE GRASS AND WILDFLOWERS)

EXISTING TREES TO REMAIN

* Alternative replacement species may include native species from canopy list.

North

PLOT 92 AND PANHANDLE PRELIMINARY PLANTING PLAN ENLARGEMENT

MOUNTAIN VIEW CEMETERY May 2016

swa

TREE PLANTING KEY

REPLACEMENT PLANTING *

EVERGREEN	OMC 12.36.060 (B) APPROVED REPLACEMENT PLANTING	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE
		QUERCUS AGRIFOLIA	COAST LIVE OAK
		SEQUOIA SEMPERVIRENS	COAST REDWOOD
		ARBUTUS MENZIESII	MADRONE
		UMBELLULARIA CALIFORNICA	CALIFORNIA BAY LAUREL

ADDITIONAL PLANTING

CANOPY	QUERCUS ENGELMANII	MESA OAK
	QUERCUS TOMENTELLA	ISLAND OAK
	QUERCUS WISLIZENI	INTERIOR LIVE OAK
	CEDRUS DEODORA	DEODAR CEDAR
	CALOCEDRUS DECURRENS	INCENSE CEDAR
	CEDRUS ATLANTICA	ATLAS CEDAR
	ACER MACROPHYLLUM	BIG LEAF MAPLE
	QUERCUS DOUGLASII	BLUE OAK
	QUERCUS GARRYANA	OREGON WHITE OAK
	QUERCUS KELLOGGII	CALIFORNIA BLACK OAK
	QUERCUS LOBATA	VALLEY OAK
	QUERCUS CHRYSOLEPIS	CANYON LIVE OAK
ACCENT	CUPRESSUS SEMPERVIRENS	MEDITERRANEAN CYPRESS
	LAGERSTROEMIA INDICA	CRAPE MYRTLE
	PRUNUS ANGUSTIFOLIA	CHICKSAW PLUM
	PRUNUS CERASIFERA	CHERRY PLUM
	PRUNUS SERRULATA 'KWANZAN'	FLOWERING CHERRY
SHRUB MASSING AND GROUND COVER	ARCTOSTAPHYLOS DENSIFLORA 'HOWARD MCMINN'	MANZANITA
	ARCTOSTAPHYLOS UVA-URSI	MANZANITA
	BACCHARIS 'STARN'	COYOTEBUSH
	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLUE GRAMA GRASS
	CARPENTERIA CALIFORNICA	BUSH ANEMONE
	CEANOTHUS 'BLUE JEANS'	CALIFORNIA WILD LILAC
	CEANOTHUS 'DARK STAR'	CALIFORNIA WILD LILAC
	CEANOTHUS GRISEUS 'LOUIS EDMUNDS'	CALIFORNIA WILD LILAC
	CISTUS LAURIFOLIUS	ROCKROSE
	DODONEA VISCOSA	HOPSEED BUSH
	FESTUCA CALIFORNICA 'HORSE MOUNTAIN GREEN'	CALIFORNIA FESCUE
	FRANGULA CALIFORNICA	COFFEEBERRY
	HETEROMELES ARBUTIFOLIA	TOYON
	MUHLENBERGIA RIGENS	DEER GRASS
	QUERCUS DUMATA	LEATHER OAK
	QUERCUS BERBERIDIFOLIA	SCRUB OAK
	SAMBUCUS MEXICANA	BLUE ELDERBERRY

10 60" BOX OAKS

LAWN

HYDROSEED AREA (NATIVE GRASS AND WILDFLOWERS)

EXISTING TREE, "AT RISK", TO BE PROTECTED

EXISTING TREE, PRESERVED

EXISTING OAKS WITHIN LIMIT OF GRADING PRESERVED IN PLACE (PREVIOUSLY REMOVED PER DEIR)

TREE LOCATION PER DEIR

* Alternative replacement species may include native species from canopy list.

North

swa

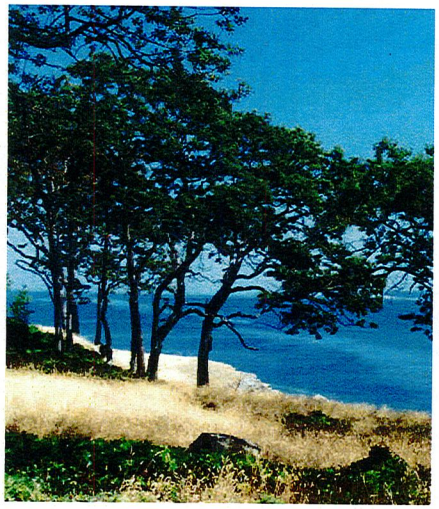
[27A]

PLOT 92 AND PANHANDLE PRELIMINARY PLANTING PLAN ENLARGEMENT

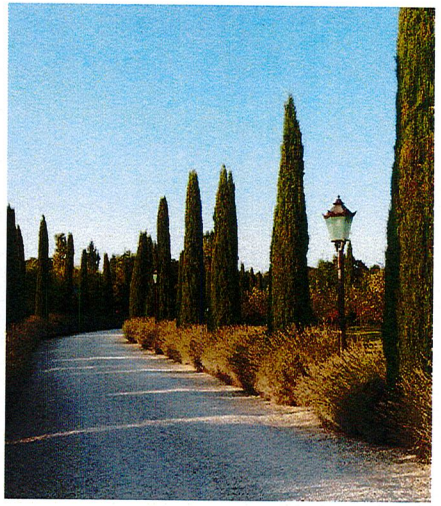
MOUNTAIN VIEW CEMETERY May 2016 (Revised June 2017)

AESCULUS CALIFORNICA

QUERCUS CHRYSOLEPIS

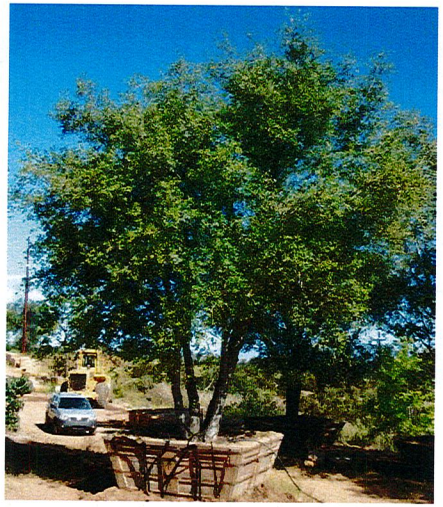


QUERCUS GARRYANA

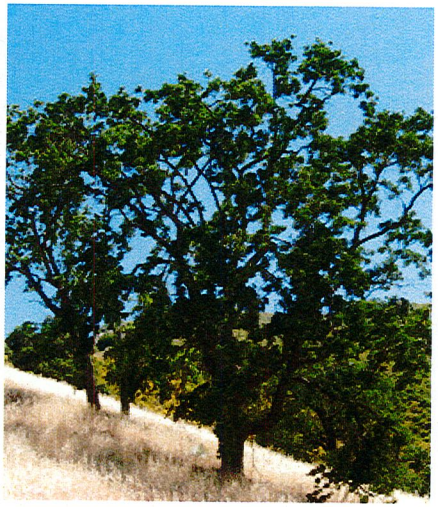


CUPRESSUS SEMPERVIRENS

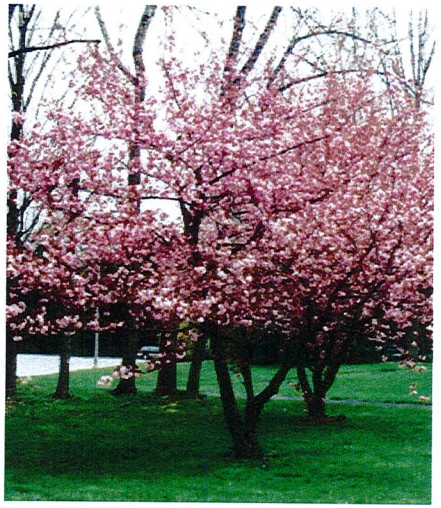
CALOCEDRUS DECURRENS



QUERCUS AGRIFOLIA



QUERCUS LOBATA

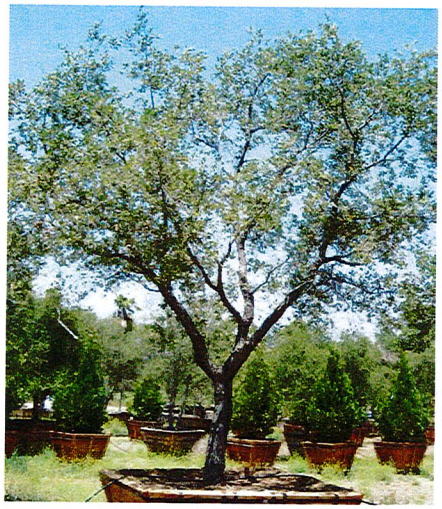


PRUNUS SERRULATA 'KWANZAN'

PLOT 82, 98, AND PANHANDLE PRELIMINARY PLANTING PALETTE

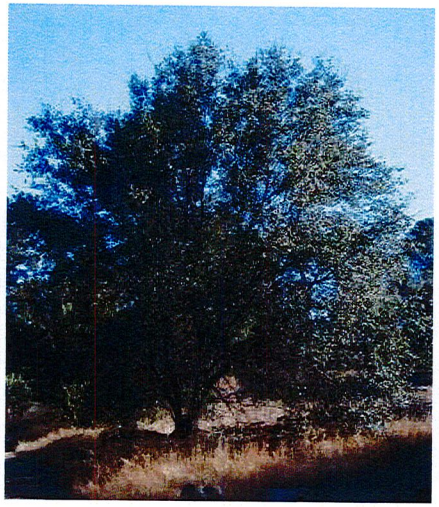
MOUNTAIN VIEW CEMETERY May 2016

swa



QUERCUS ENGELMANII

QUERCUS TOMENTELLA



QUERCUS WISLIZENII

SEQUOIA SEMPERVIRENS

CEDRUS DEODORA

CEDRUS ATLANTICA

PRUNUS ANGUSTIFOLIA

LAGERSTROEMIA INDICA

PLOT 82, 98, AND PANHANDLE PRELIMINARY PLANTING PALETTE

MOUNTAIN VIEW CEMETERY May 2016

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ARCTOSTAPHYLOS DENSIFLORA
'HOWARD MCMINN'

DODONAEA VISCOCA

QUERCUS DURATA

MUHLENBERGIA RIGENS

CARPENTERIA CALIFORNICA

FRANGULA CALIFORNICA

SAMBUCUS MEXICANA

FESTUCA IDAHOENSIS

PLOT 82, 98, AND PANHANDLE PRELIMINARY PLANTING PALETTE

MOUNTAIN VIEW CEMETERY May 2016

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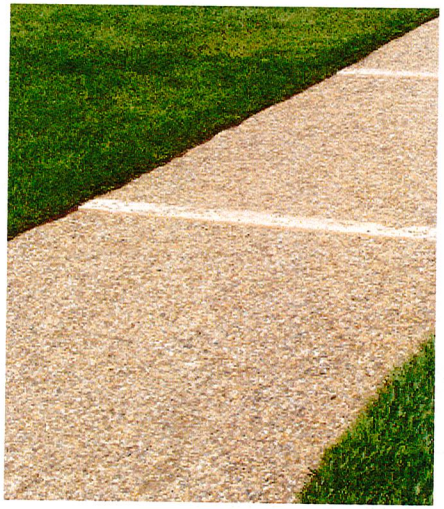
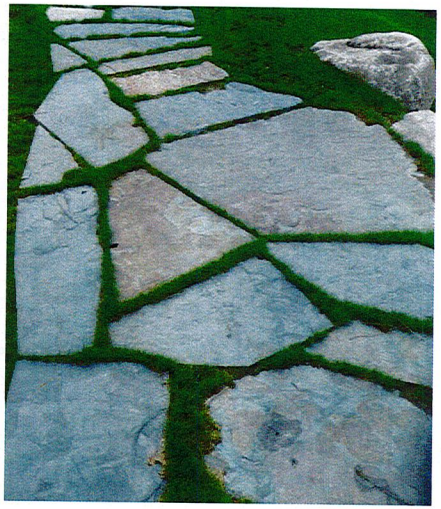


STABILIZED GRAVEL

GRAVEL AND PRECAST CONCRETE

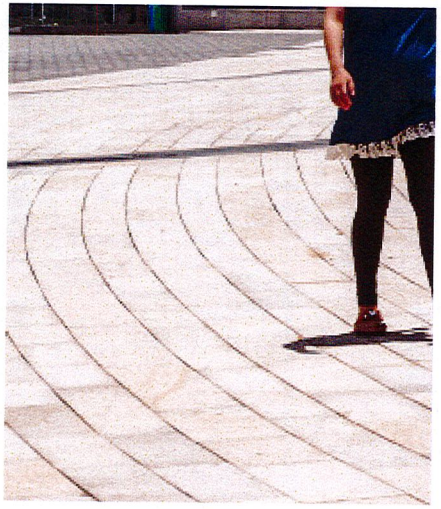
TEXTURED STONE PAVERS



PAVER IN LAWN

DECOMPOSED GRANITE

GROUNDCOVER AND PAVERS



SMOOTH STONE PAVERS

INTEGRAL COLOR CONCRETE

PLOT 82, 98, AND PANHANDLE PAVING MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

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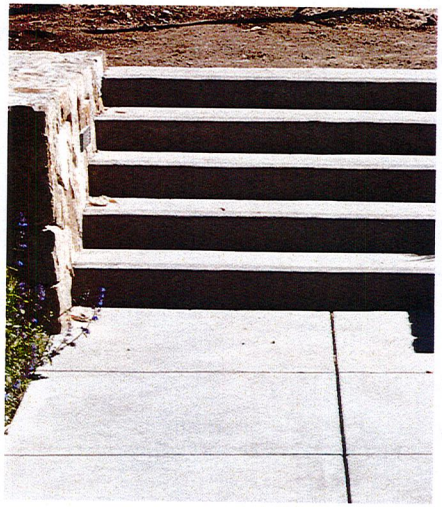
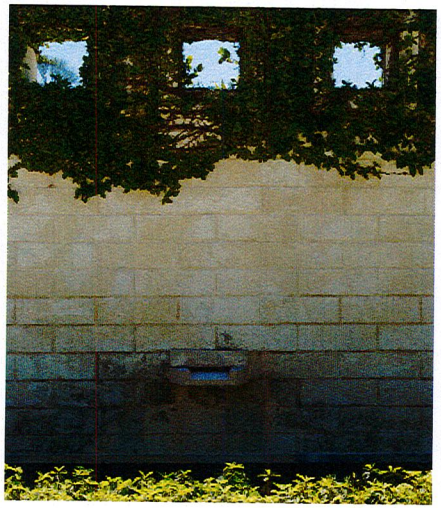
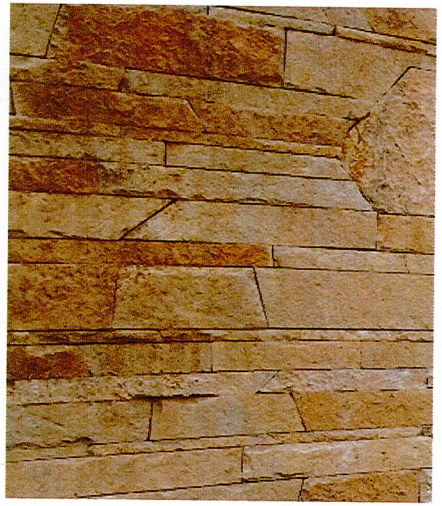
CONCRETE



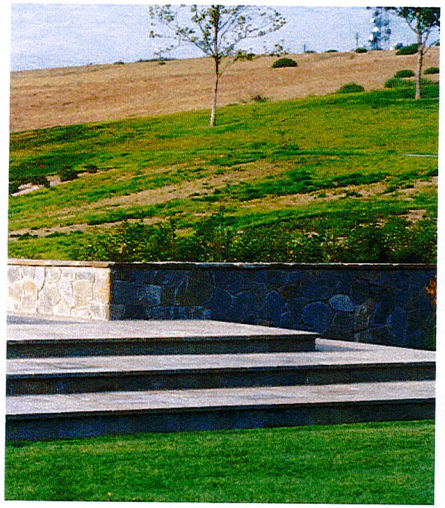
CONCRETE WITH CHEEK WALL



SMOOTH CUT STONE



SEMI-IRREGULAR FITTED STONE



FITTED STONE

STONE AND GRASS

STEPS

LIGHTLY TEXTURED STONE

NATURAL FIT STONE

WALLS

PLOT 82, 98, AND PANHANDLE STEP AND WALL MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

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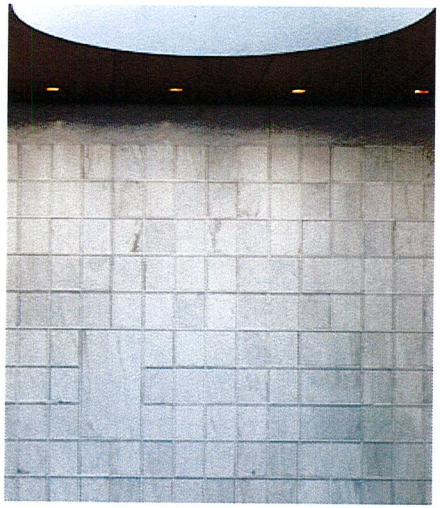
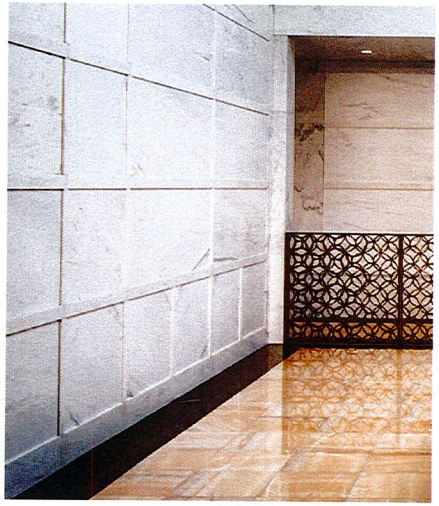
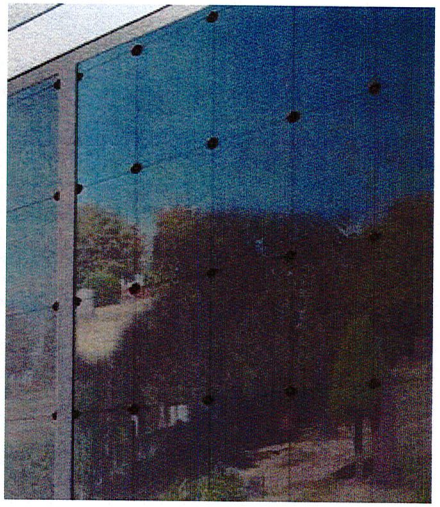
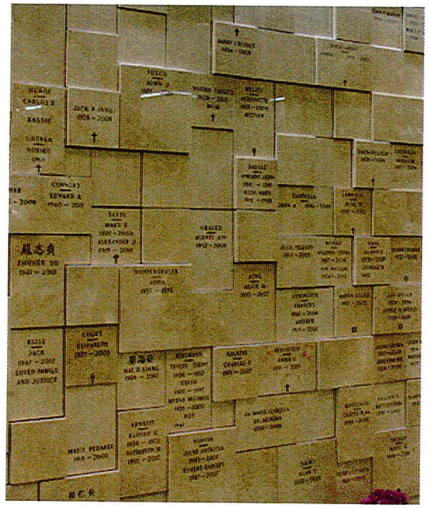
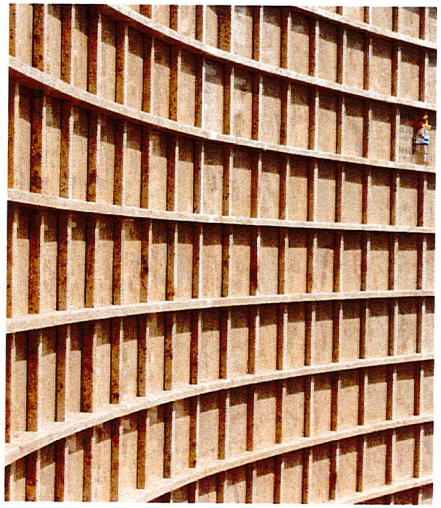

NICHES

CRYPTS

PLOT 82, 98, AND PANHANDLE NICHE AND CRYPT WALL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

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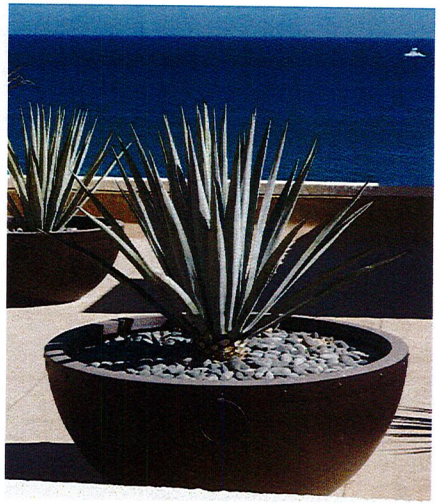
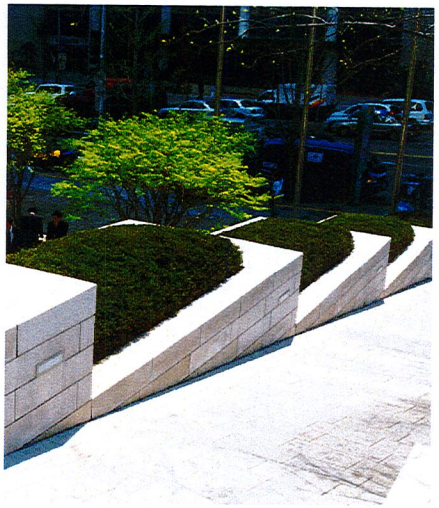




SEATING

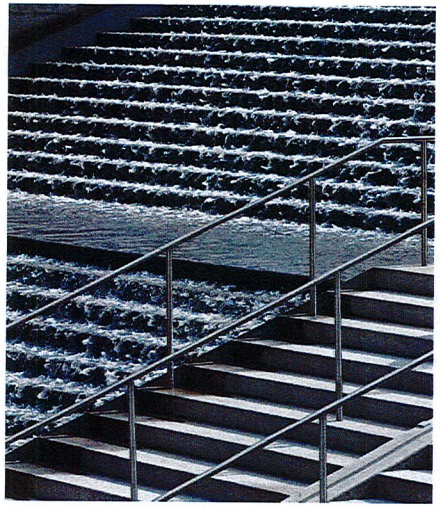
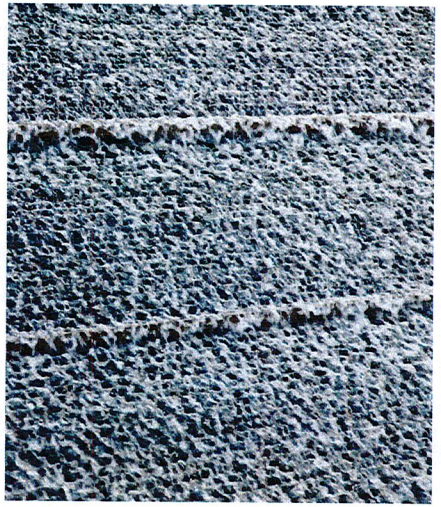
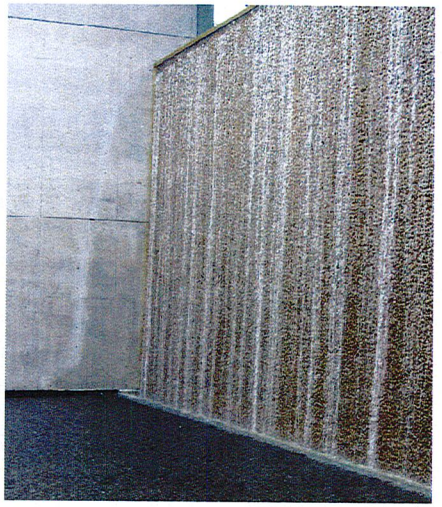
RAILING

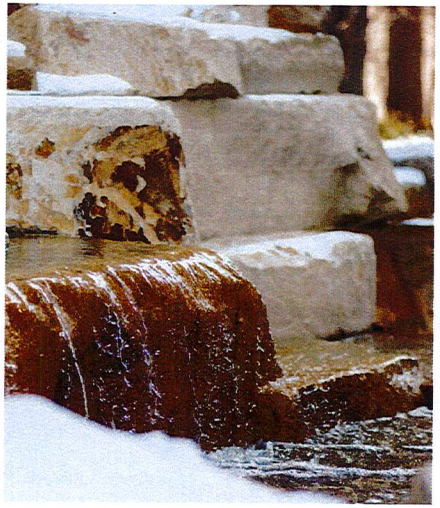
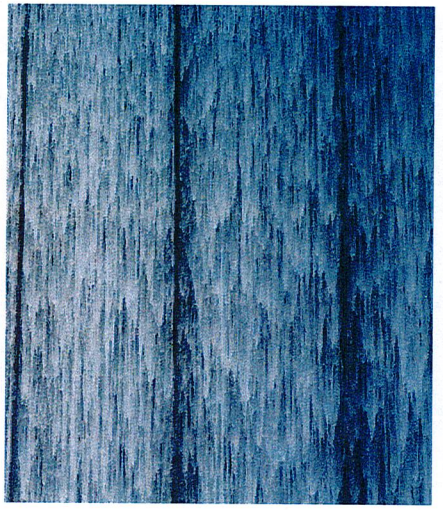
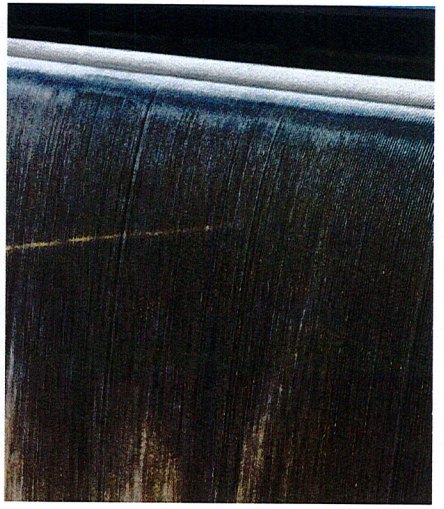
PLANTER

PLOT 82, 98, AND PANHANDLE SITE FURNISHING EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

swa

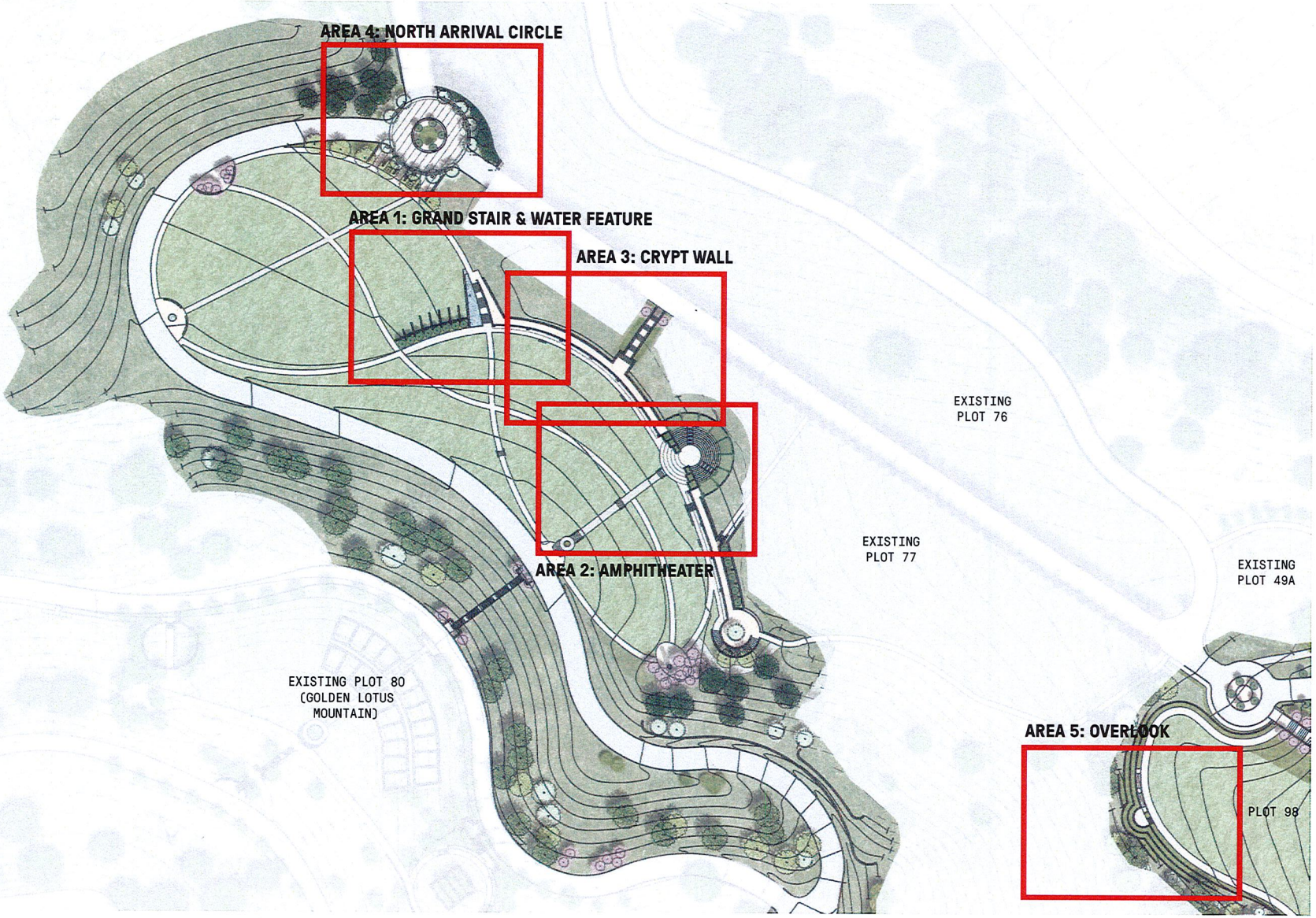





PLOT 82, 98, AND PANHANDLE WATER FEATURE EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

swa

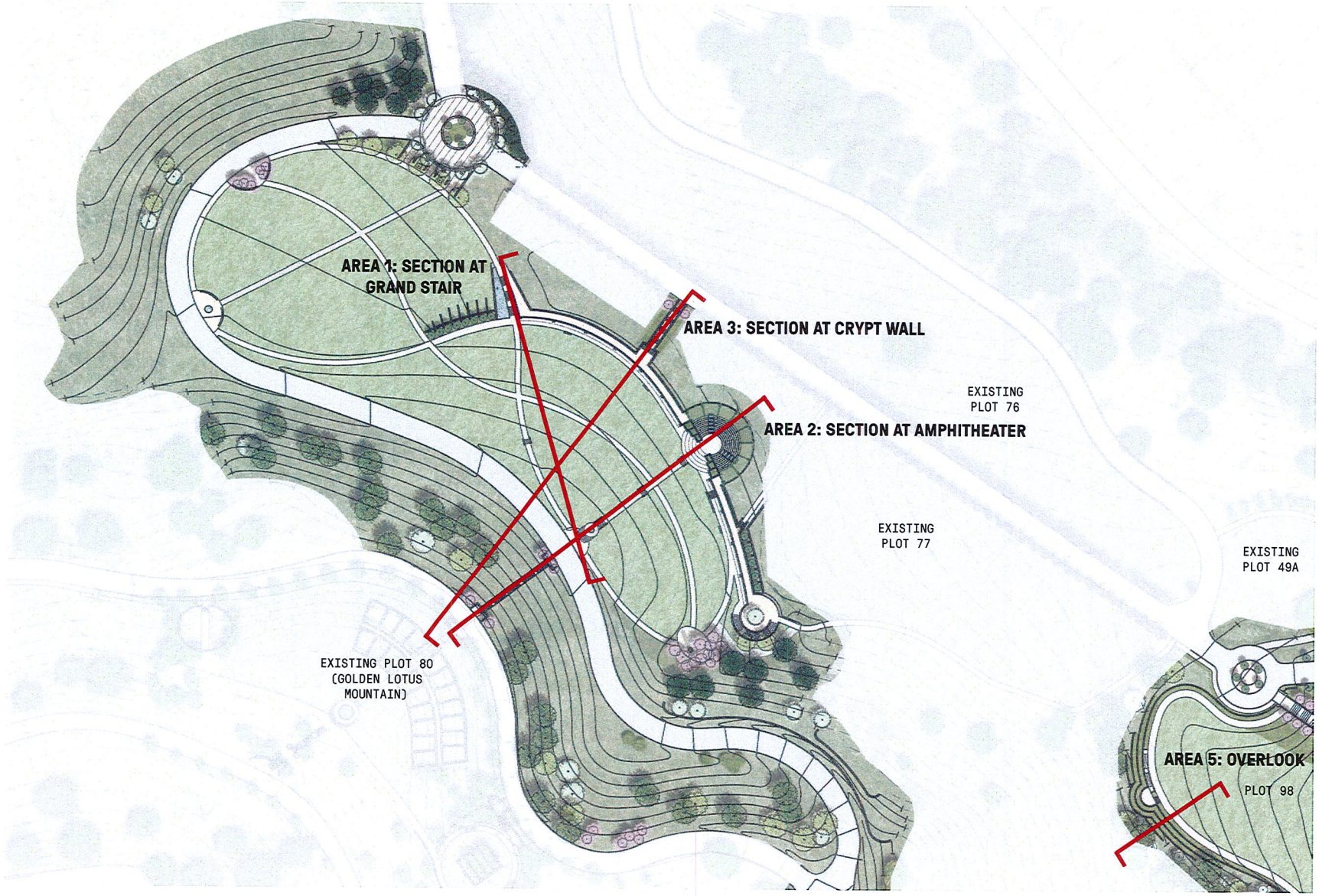


PLAN ENLARGMENTS KEY

MOUNTAIN VIEW CEMETERY May 2016

North

swa



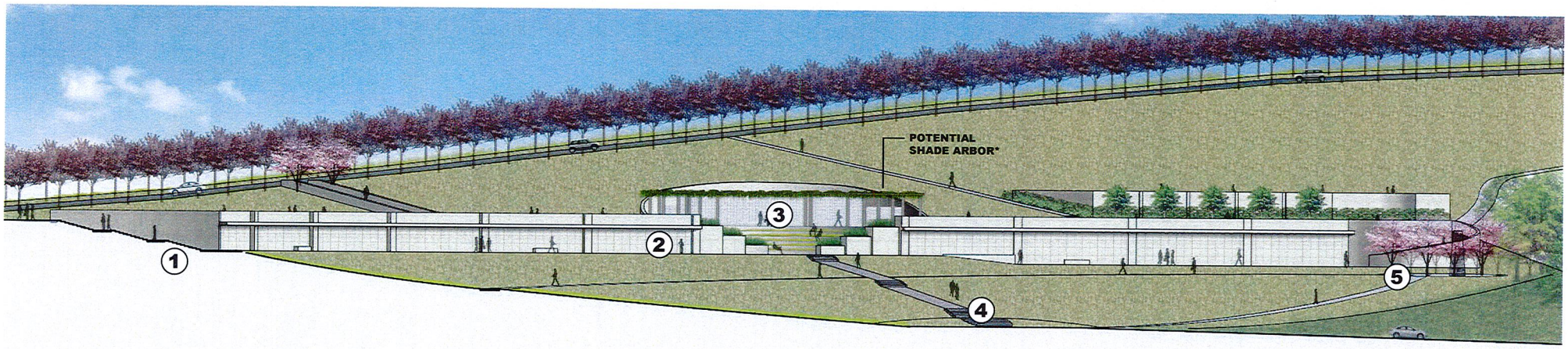
SECTIONS KEY

MOUNTAIN VIEW CEMETERY May 2016

North

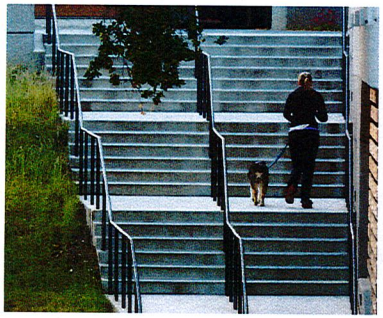
swa

AREA 1: SECTION AT GRAND STAIR

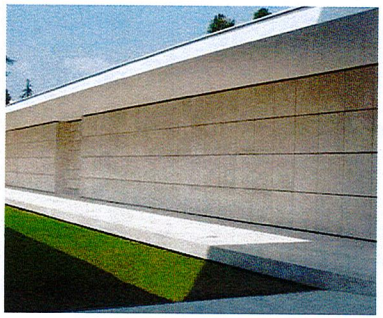


*Subject to Cost and Feasibility

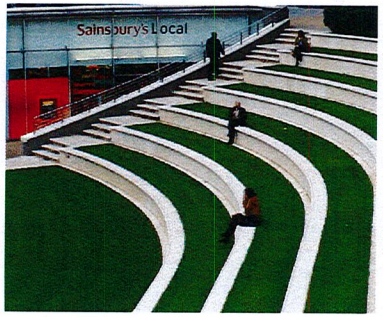
① GRAND STAIR



② CRYPT WALL



③ AMPHITHEATER & NICHE WALL



④ DROP-OFF

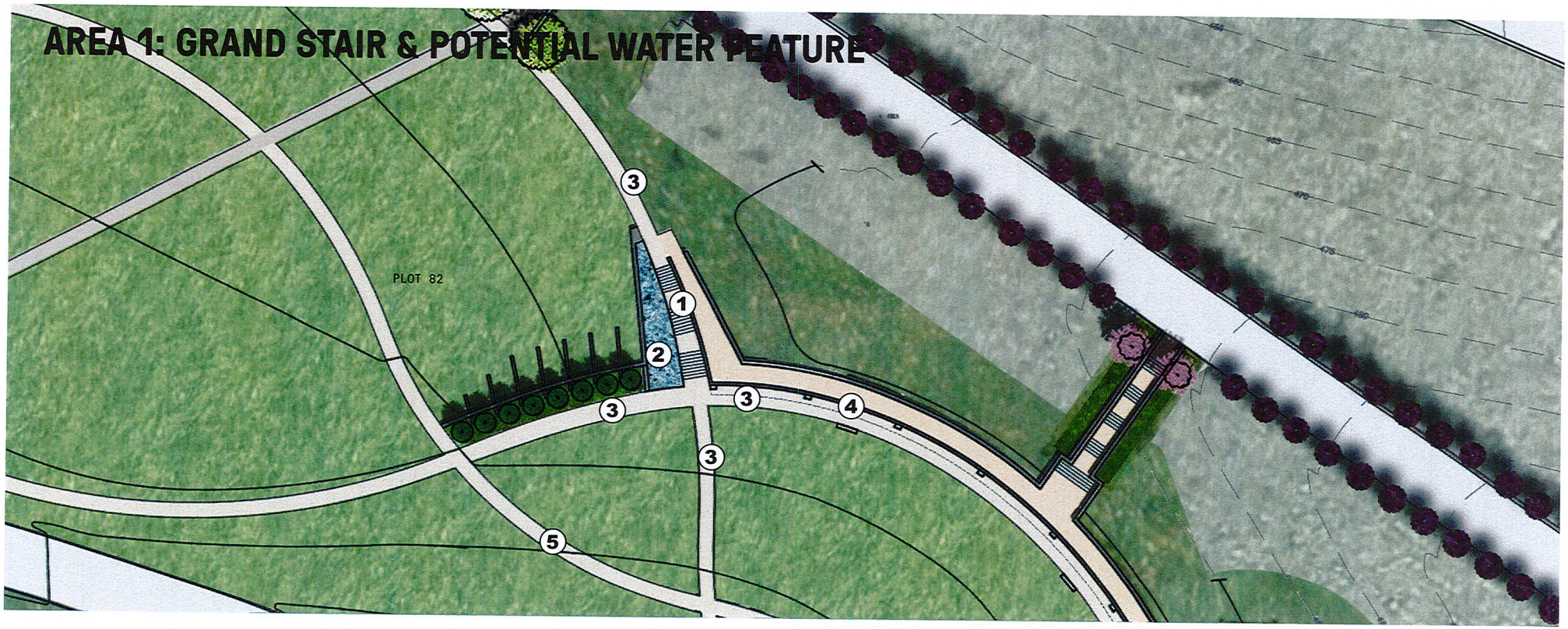
⑤ CHERRY GROVE

PLOT 82 SECTION

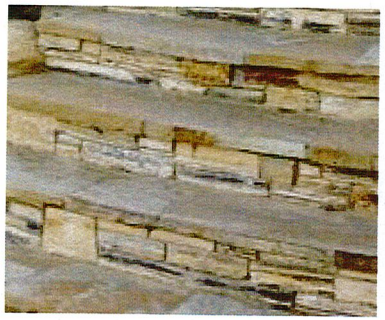
MOUNTAIN VIEW CEMETERY May 2016

swa

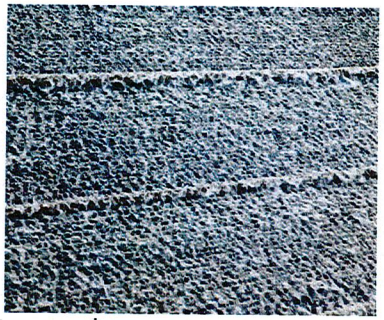
AREA 1: GRAND STAIR & POTENTIAL WATER FEATURE



① STONE CLAD STAIR

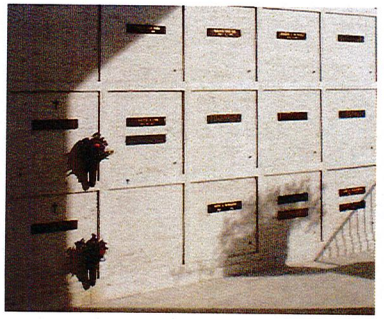


② POTENTIAL WATER FEATURE*



③ STABILIZED CRUSHED GRAVEL

④ CRYPT WALL



⑤ PAVERS IN LAWN

PLOT 82 MATERIAL EXAMPLES

*Subject to Cost and Feasibility

MOUNTAIN VIEW CEMETERY May 2016

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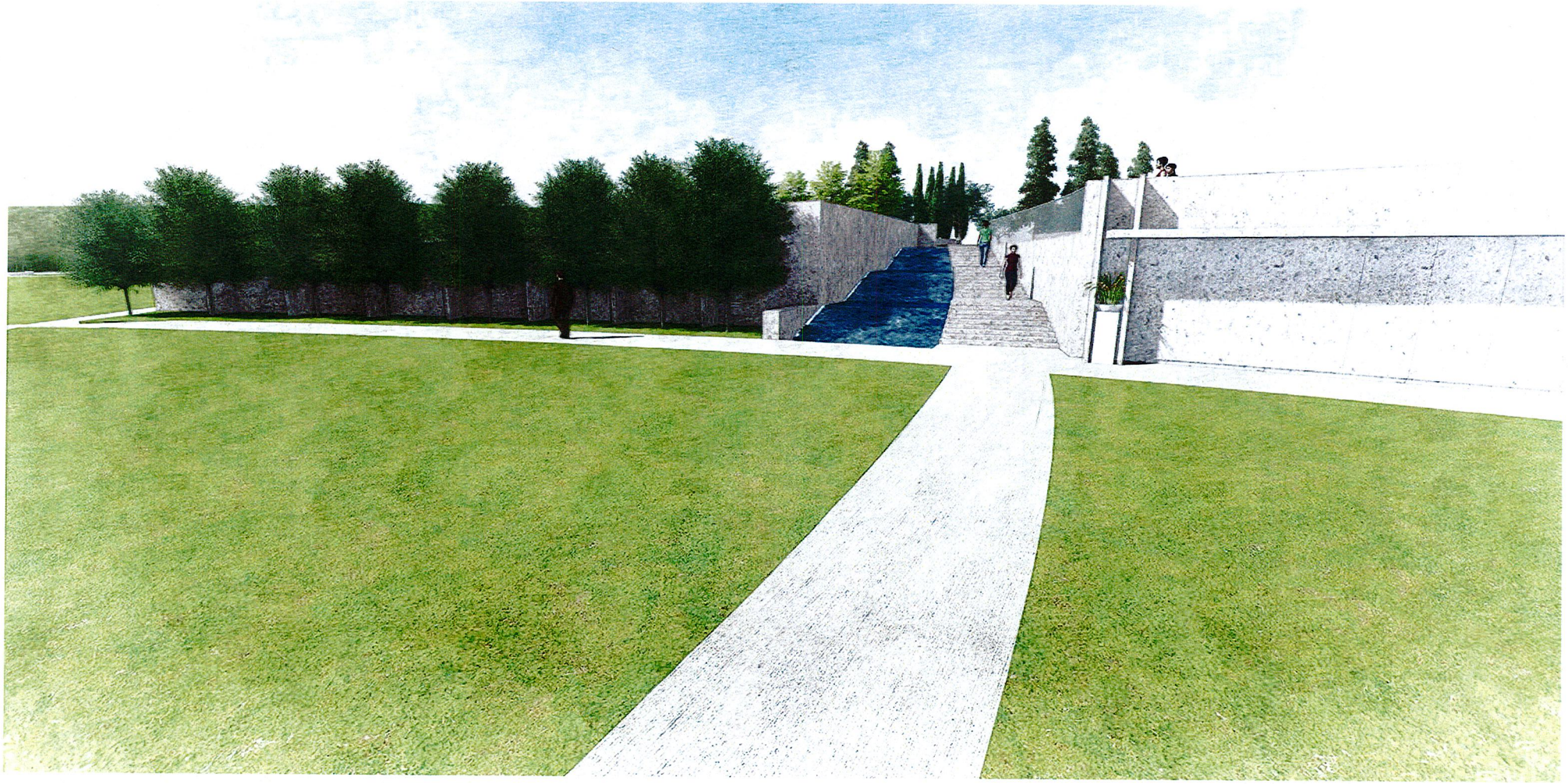
AREA 1: GRAND STAIR & POTENTIAL WATER FEATURE

VIEW, PLOT 82, WATER FEATURE

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 1: GRAND STAIR & POTENTIAL WATER FEATURE

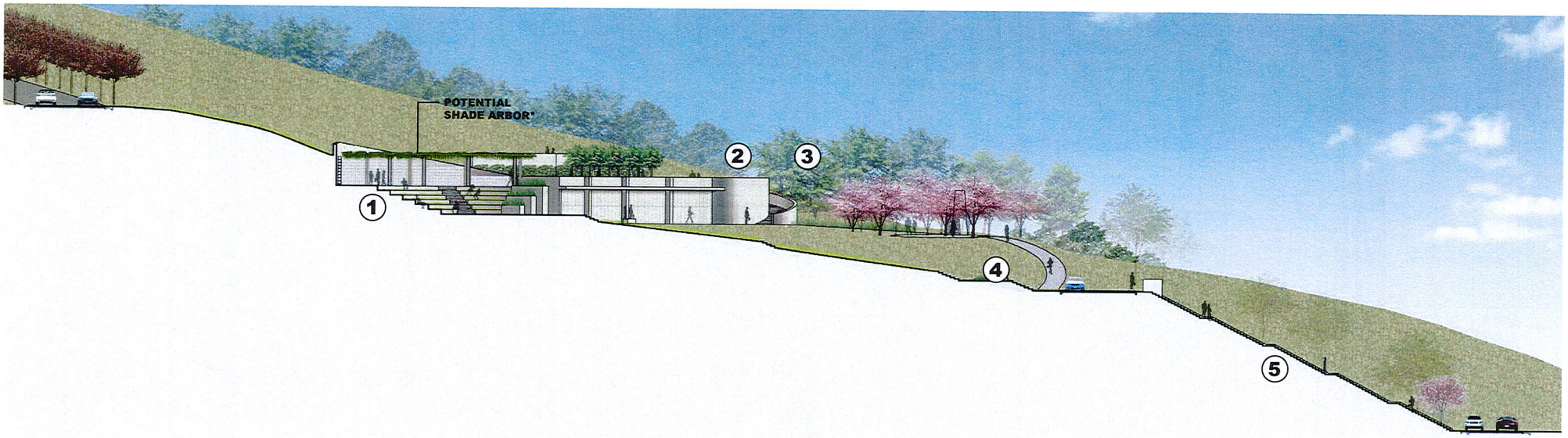


VIEW, PLOT 82, WATER FEATURE

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 2: SECTION AT AMPHITHEATER



*Subject to Cost and Feasibility

① AMPHITHEATER

② STAIR TRANSITION

③ FOCAL POINT

④ LOOP PATH

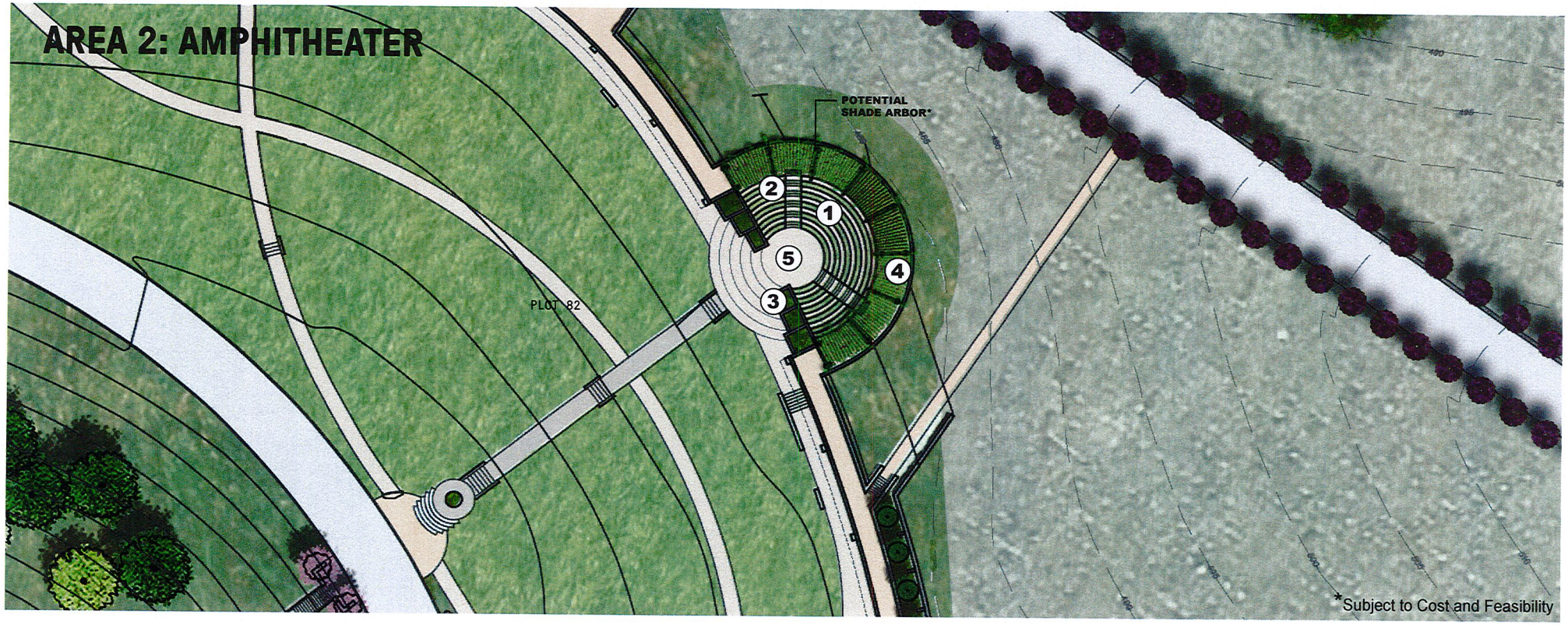
⑤ STAIR

PLOT 82 SECTION

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 2: AMPHITHEATER

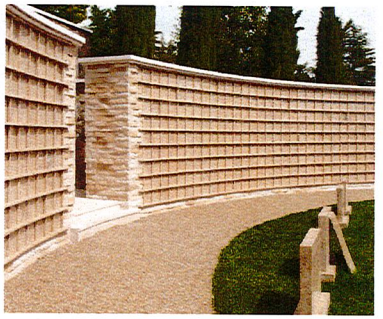


① GRASS AND CONCRETE

② STAIR

③ CONCRETE PLANTERS

④ NICHE WALL



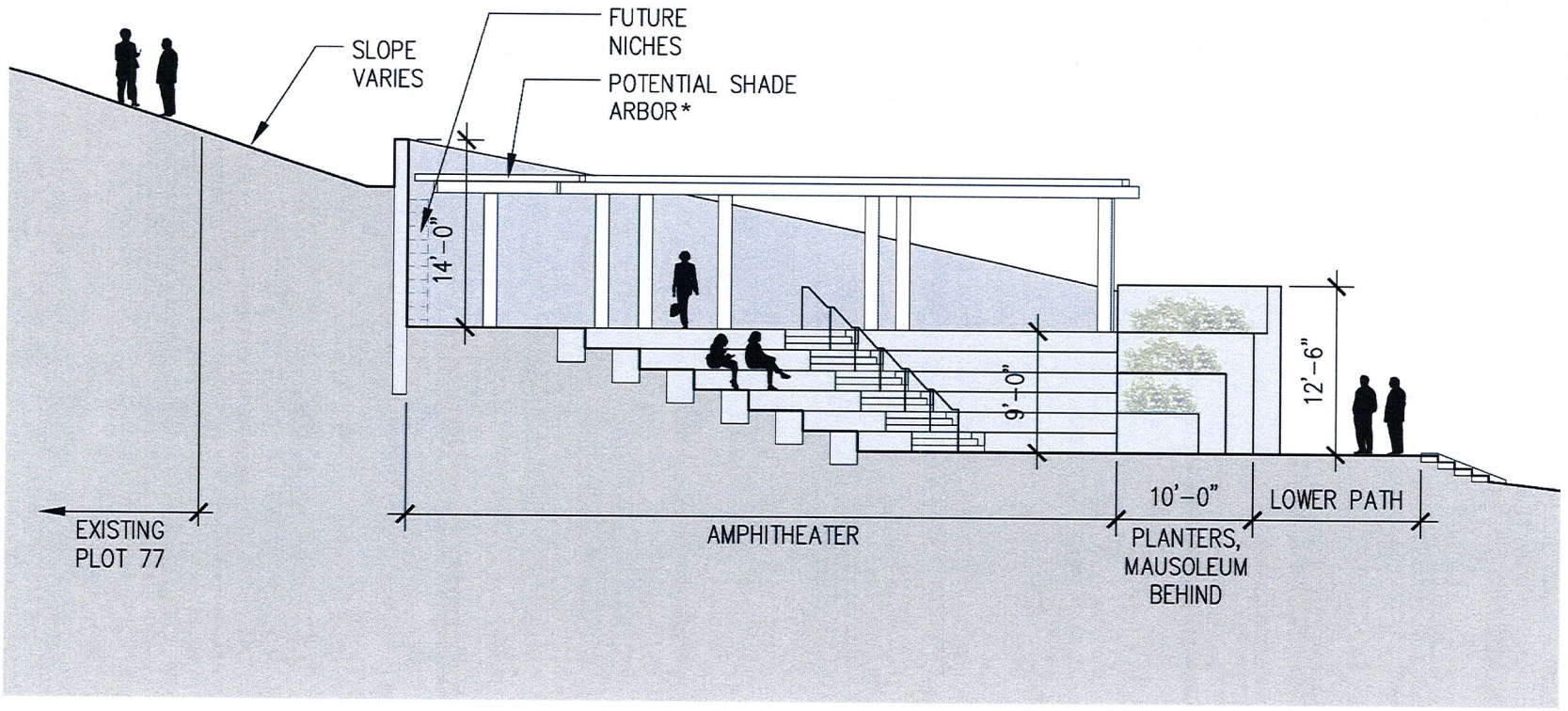
⑤ SPECIAL PAVING

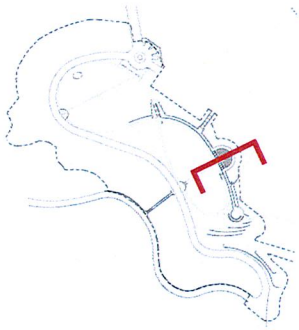
PLOT 82 MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 2: AMPHITHEATER





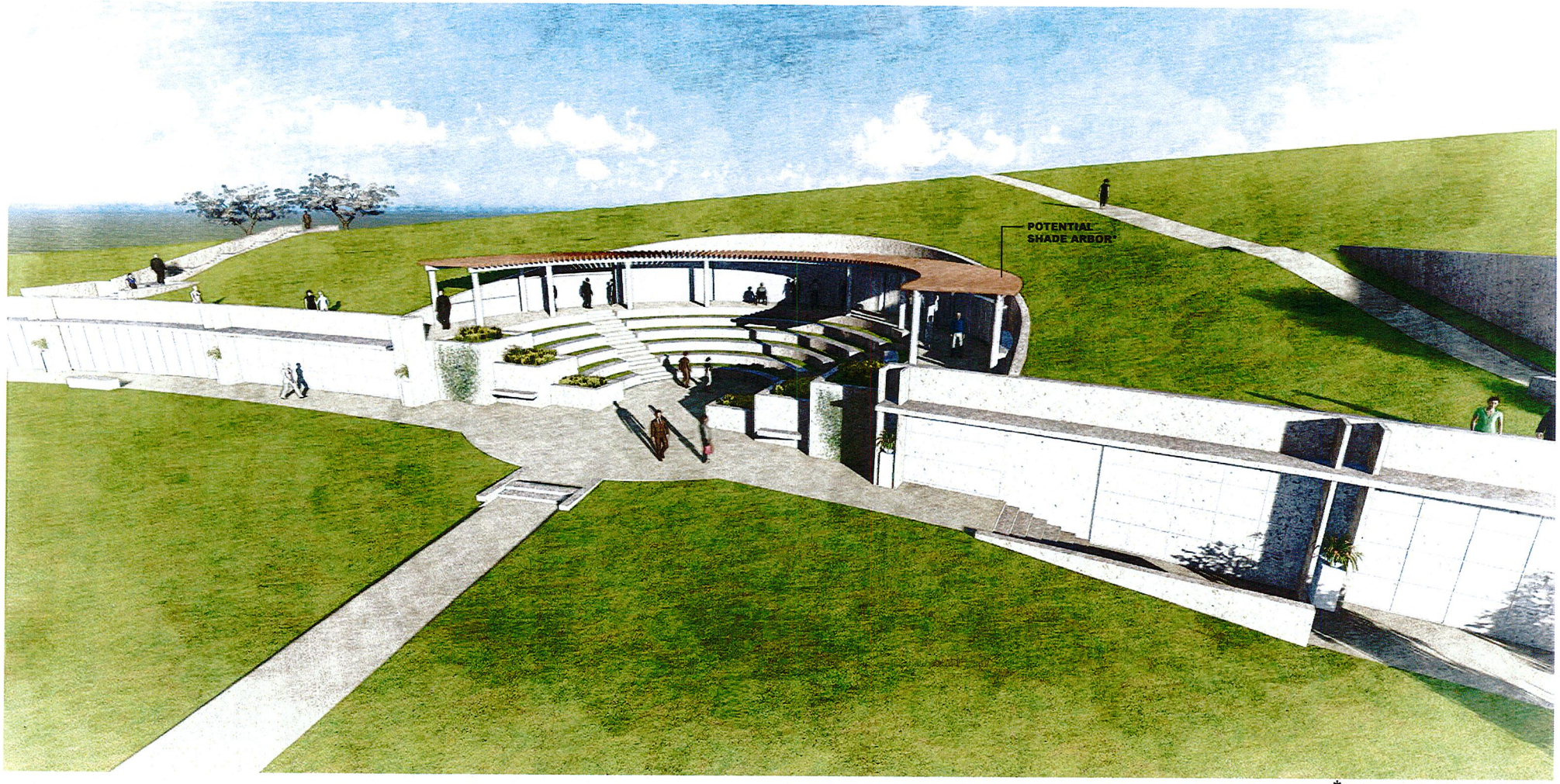
*Subject to Cost and Feasibility

PLOT 82 AMPHITHEATER SECTION

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 2: AMPHITHEATER



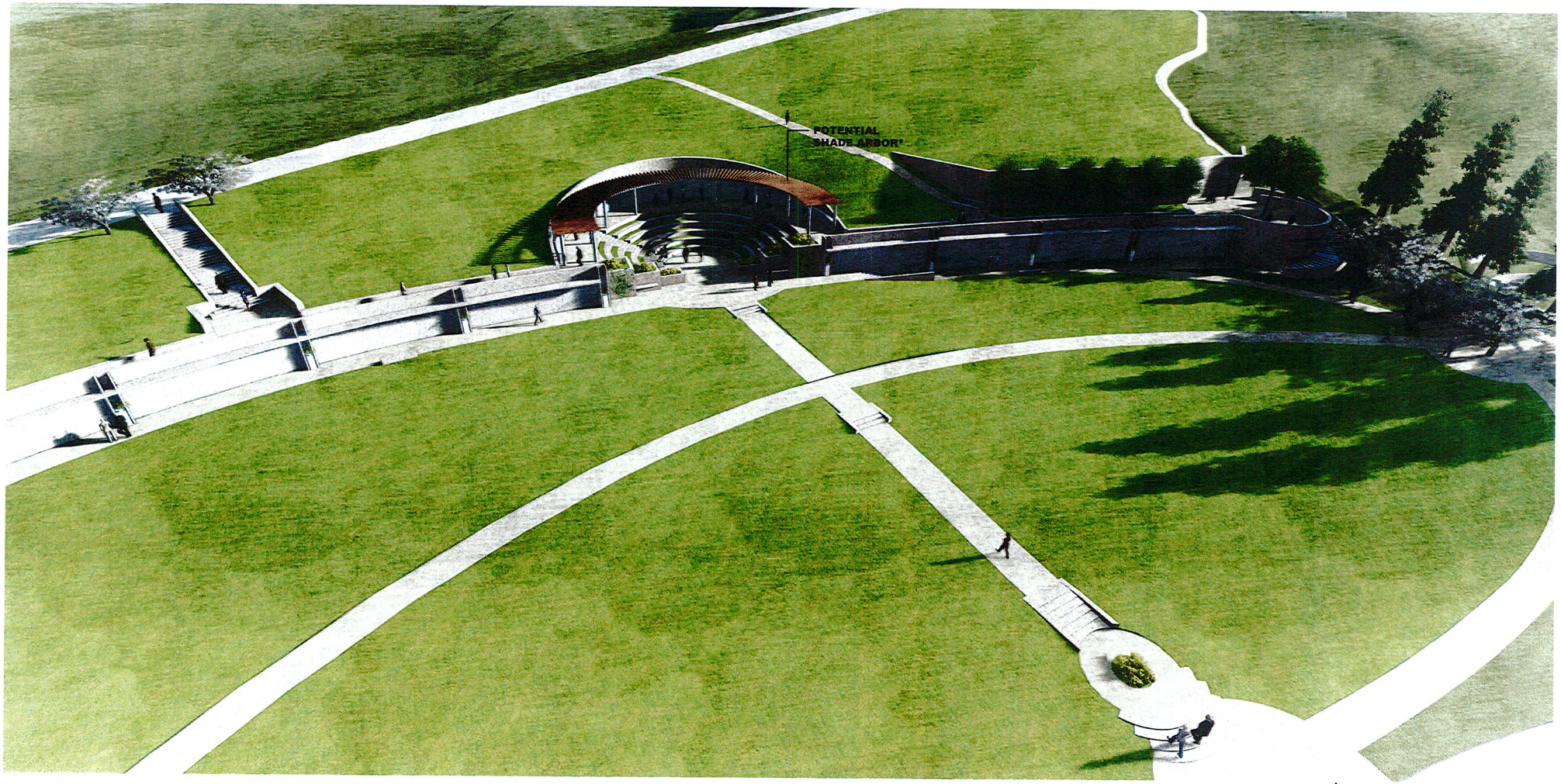
*Subject to Cost and Feasibility

VIEW, PLOT 82, AMPHITHEATER

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 2: AMPHITHEATER & SOUTH DROP OFF



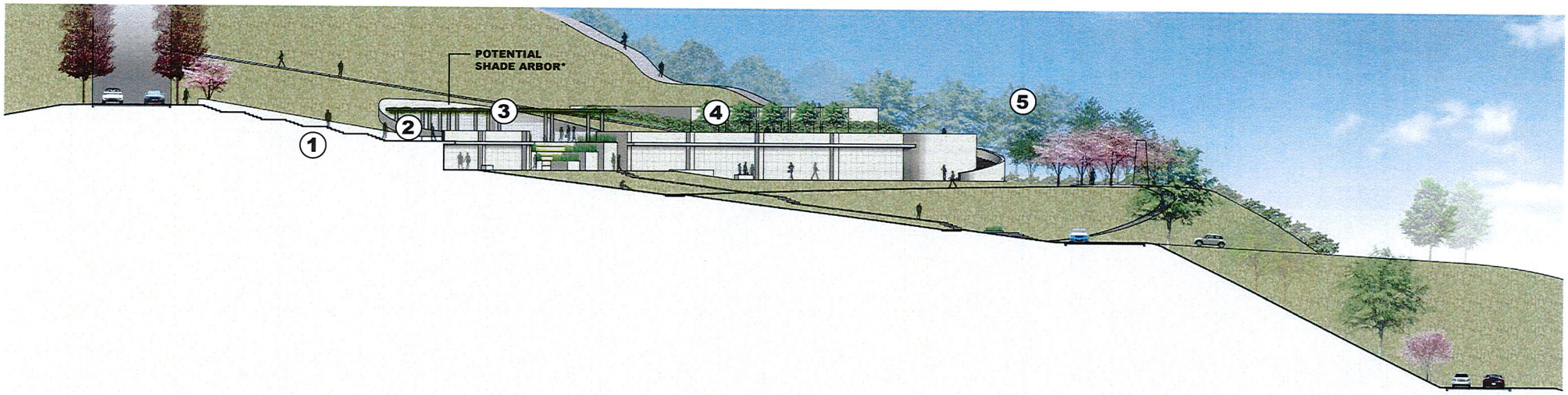
*Subject to Cost and Feasibility

VIEW, PLOT 82, AMPHITHEATER

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 3: SECTION AT CRYPT WALL

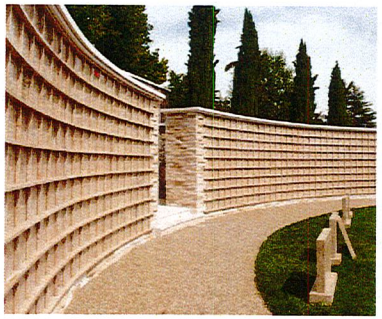


*Subject to Cost and Feasibility

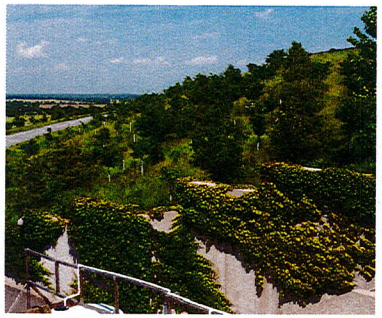
① STAIR

② UPPER WALK

③ CRYPT WALL



④ RETAINING WALL



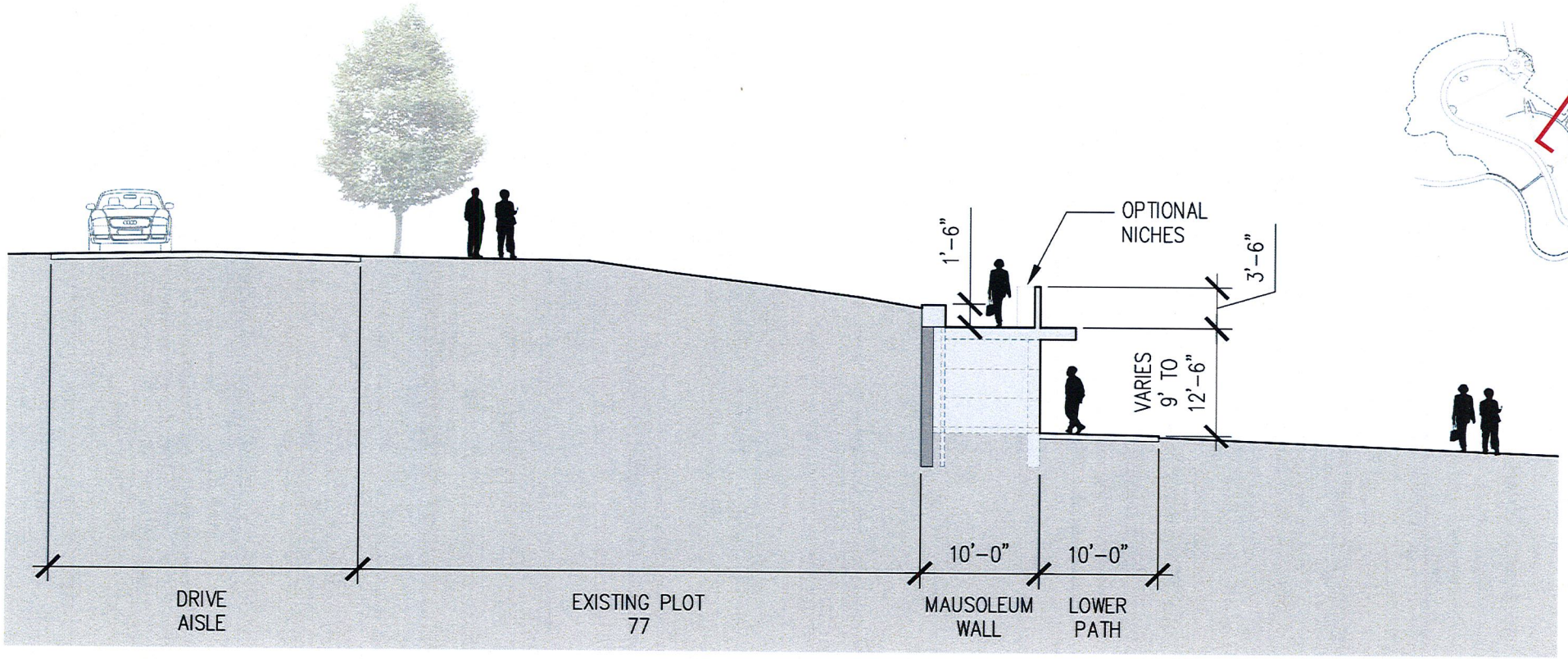
⑤ REDWOOD GROVE

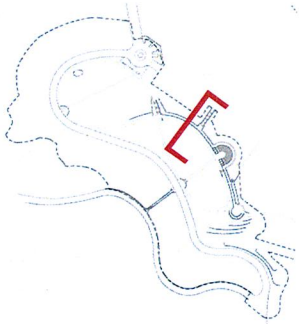
PLOT 82 SECTION

MOUNTAIN VIEW CEMETERY May 2016

swa

AREA 3: CRYPT WALL



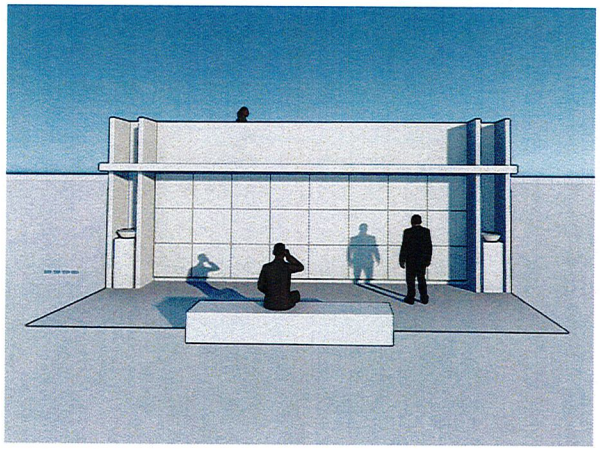


PLOT 82 CRYPT WALL SECTION

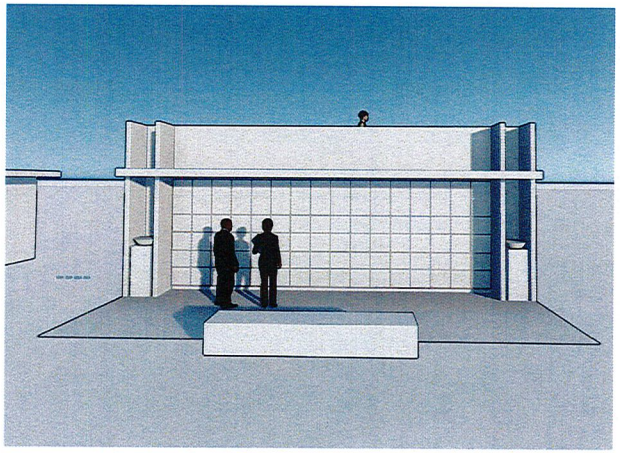
MOUNTAIN VIEW CEMETERY May 2016

swa

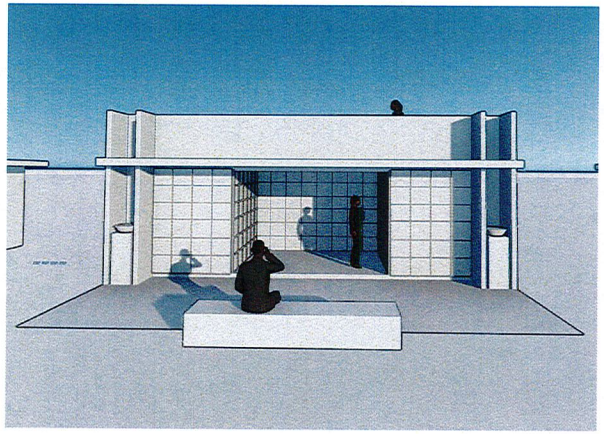
AREA 3: CRYPT WALL



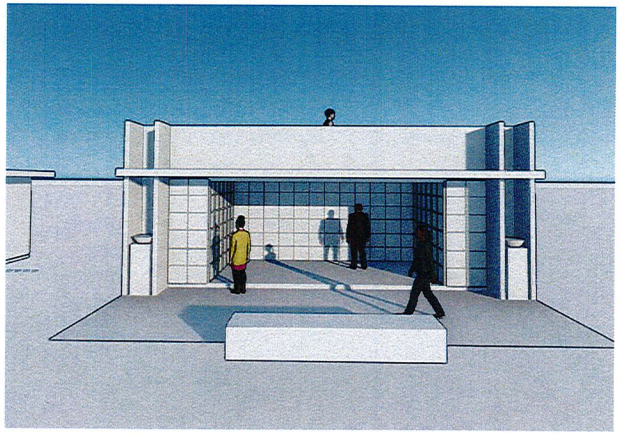
CRYPTS, FRONT FACE



NICHES, FRONT FACE



NICHES WITH SMALL ALCOVE

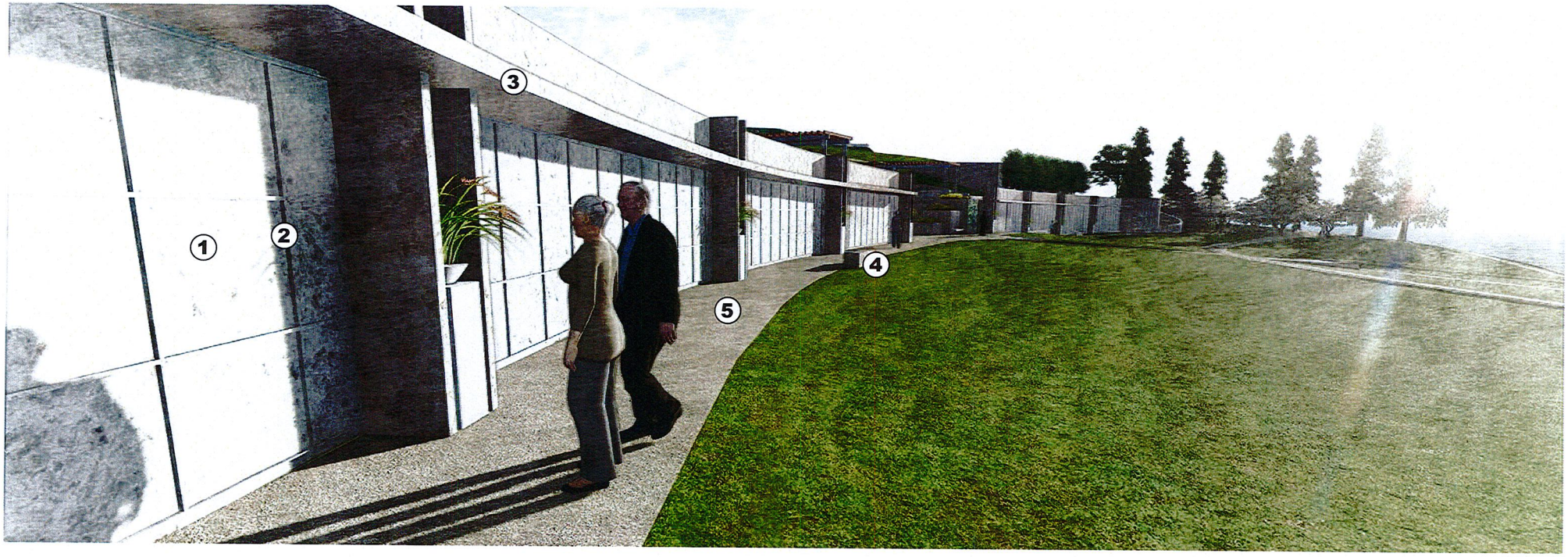


NICHES WITH LARGE ALCOVE

CRYPT AND NICHE ALTERNATIVES Subject to Structural and Market Feasibility

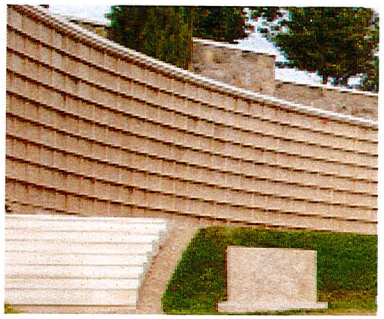
MOUNTAIN VIEW CEMETERY May 2016

AREA 3: CRYPT WALL



① STONE

② STONE



③ CONCRETE

④ STONE

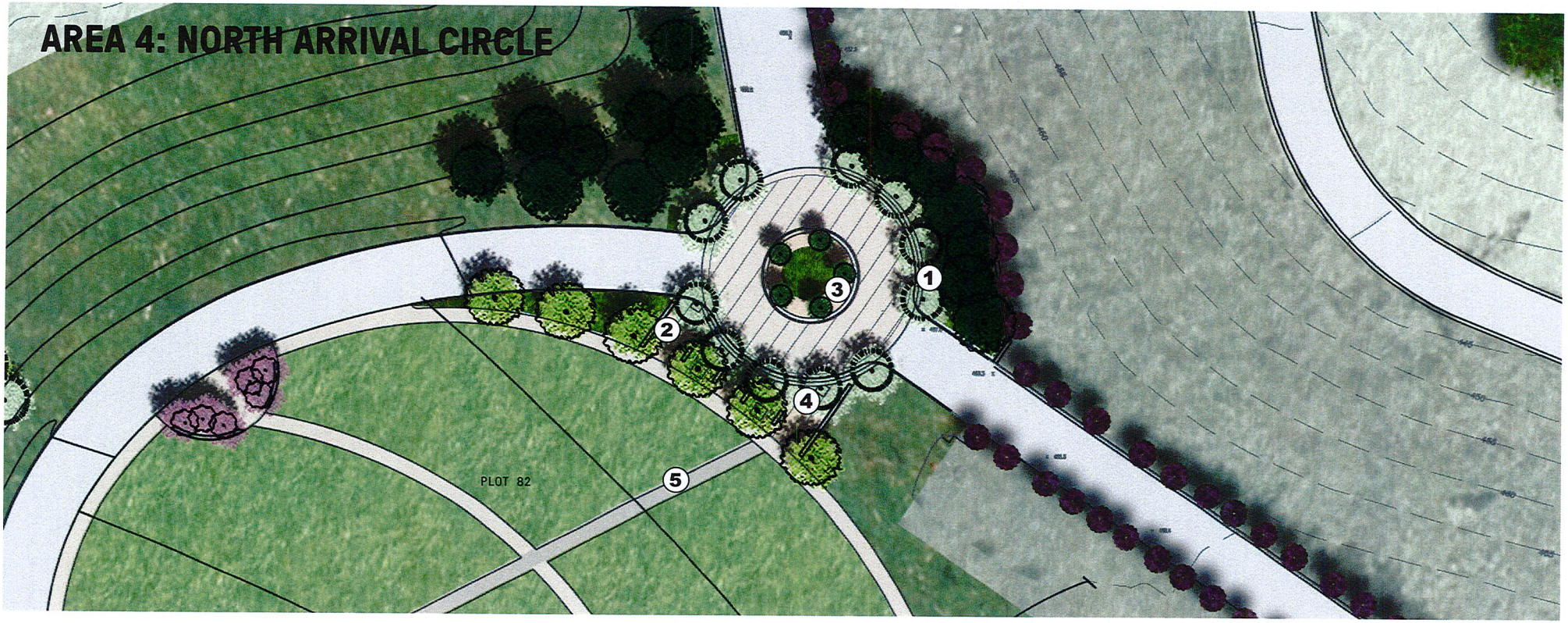
⑤ STABILIZED GRUSHED GRAVEL

PLOT 82 MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

swa

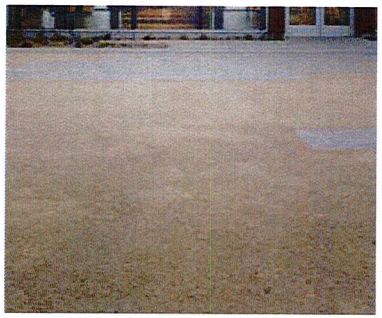
AREA 4: NORTH ARRIVAL CIRCLE



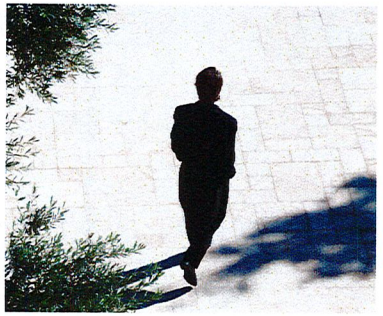
① PLANTING

② SEATING

③ DECOMPOSED GRANITE



④ SPECIAL PAVING



⑤ STABILIZED CRUSHED GRAVEL

PLOT 82 MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

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AREA 4: NORTH ARRIVAL CIRCLE

VIEW, PLOT 82, NORTH ARRIVAL CIRCLE

MOUNTAIN VIEW CEMETERY May 2016

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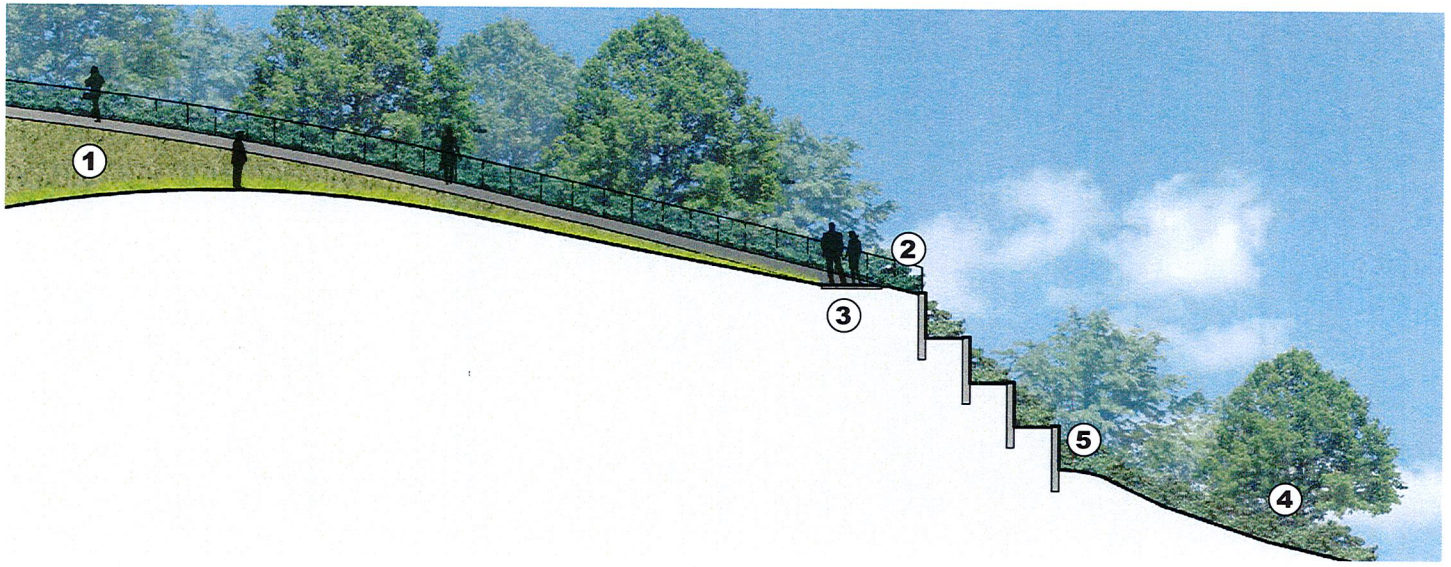
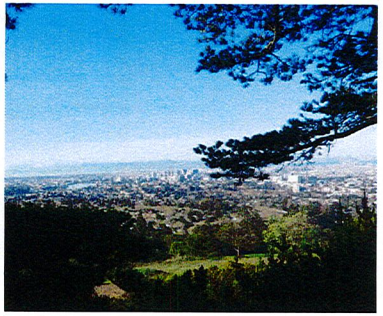
AREA 5: OVERLOOK



① PLOTS

② VIEWPOINT



③ EDGE PATH

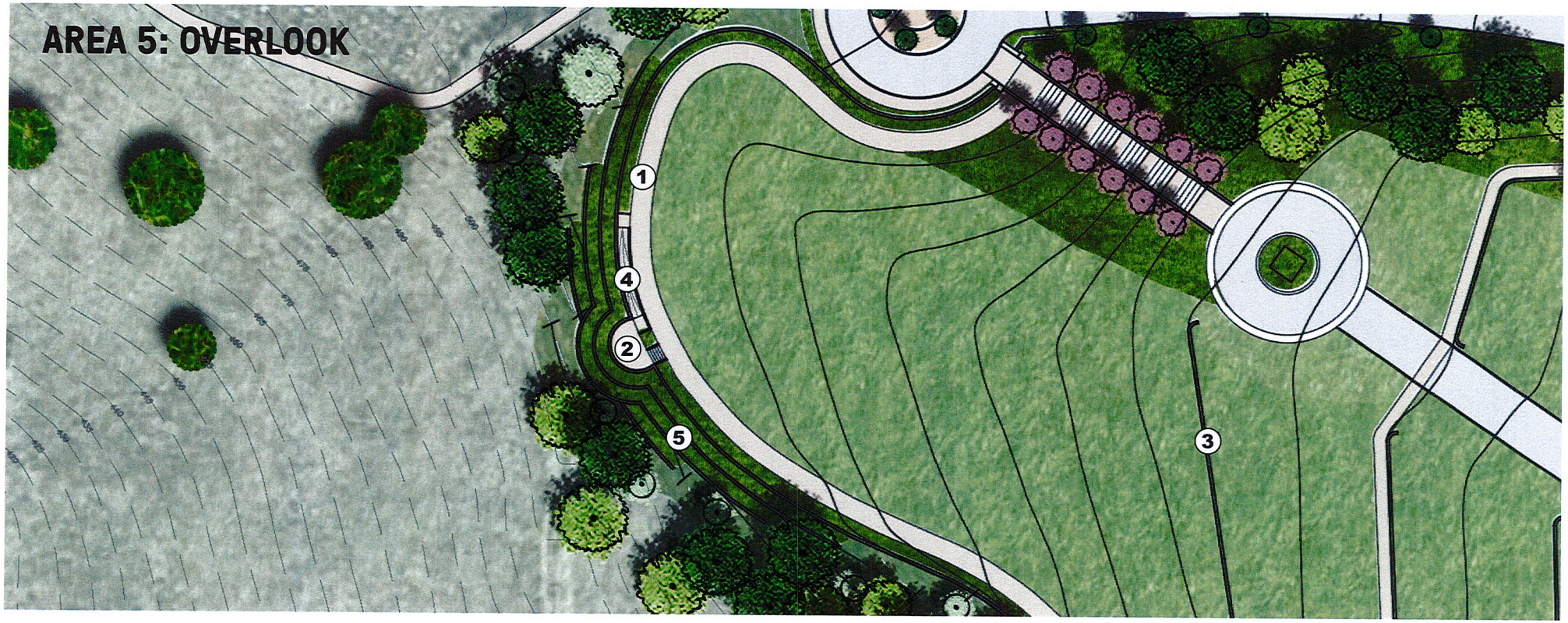
④ RESTORATION PLANTING

⑤ RETAINING WALLS

PLOT 98 SECTION

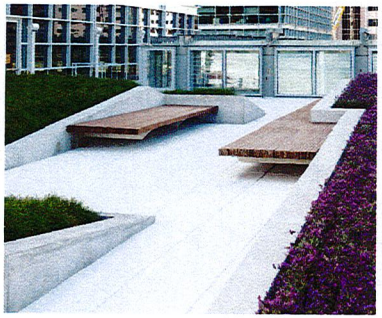
MOUNTAIN VIEW CEMETERY May 2016

swa

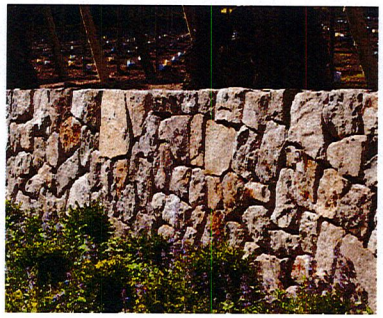


① STABILIZED CRUSHED GRAVEL

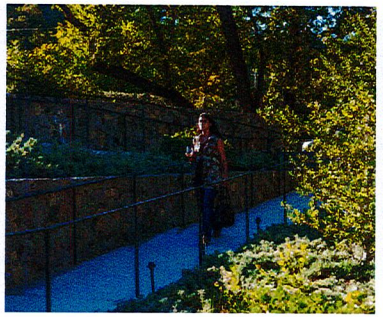
② SEATING



③ STONE RETAINING WALL



④ ADA ACCESSIBLE RAMP



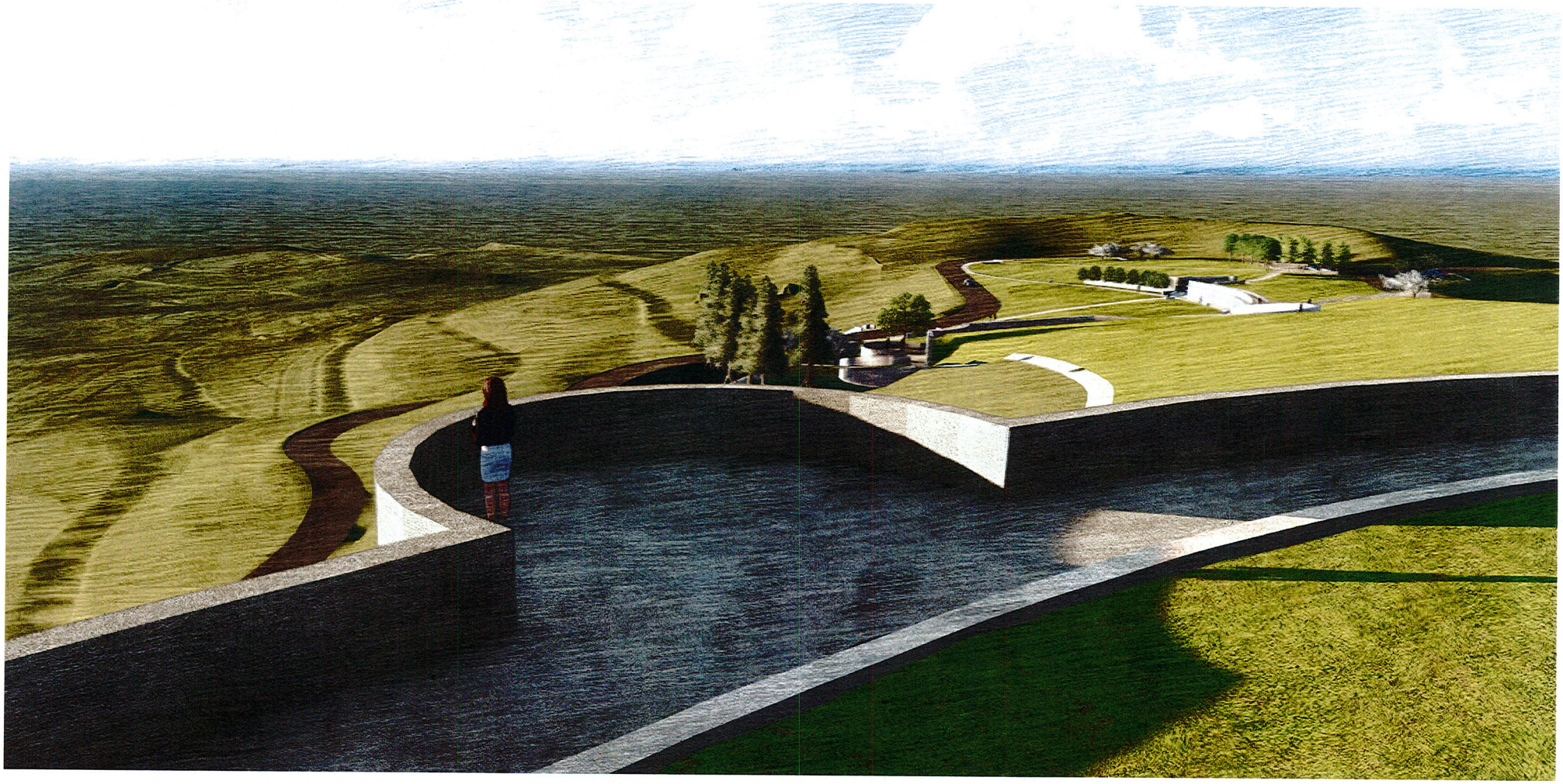
⑤ PLANTING

PLOT 98 MATERIAL EXAMPLES

MOUNTAIN VIEW CEMETERY May 2016

swa

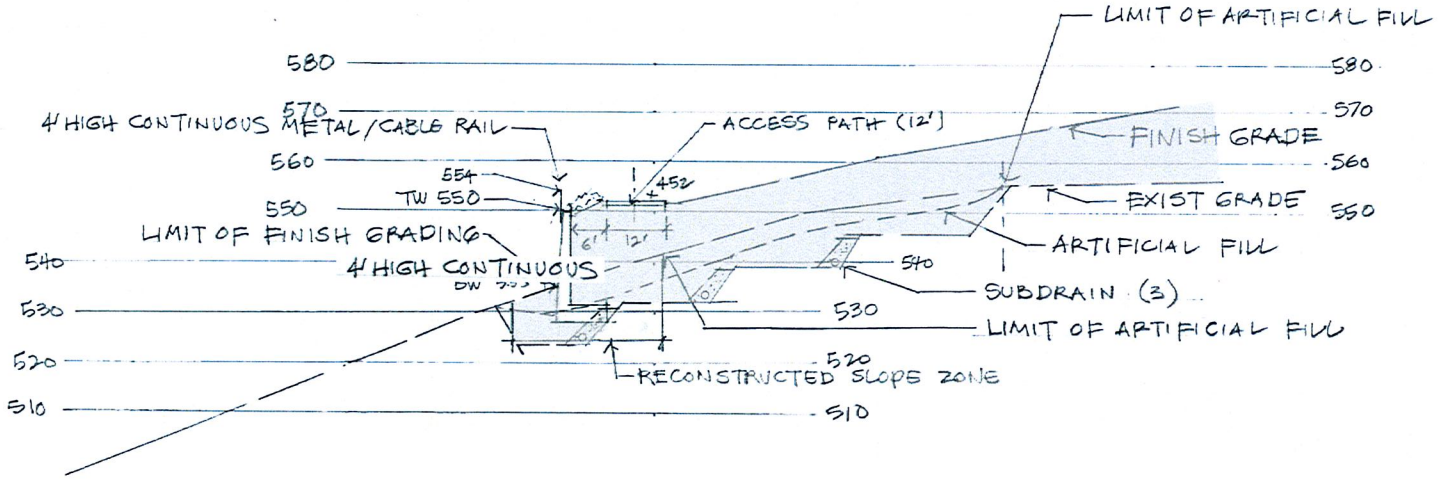
AREA 5: OVERLOOK

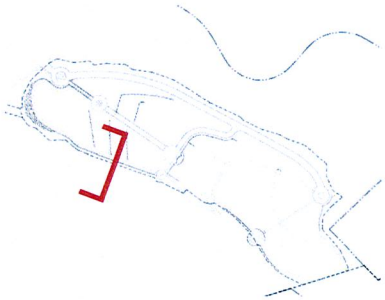


VIEW, PLOT 98, OVERLOOK

MOUNTAIN VIEW CEMETERY May 2016

swa



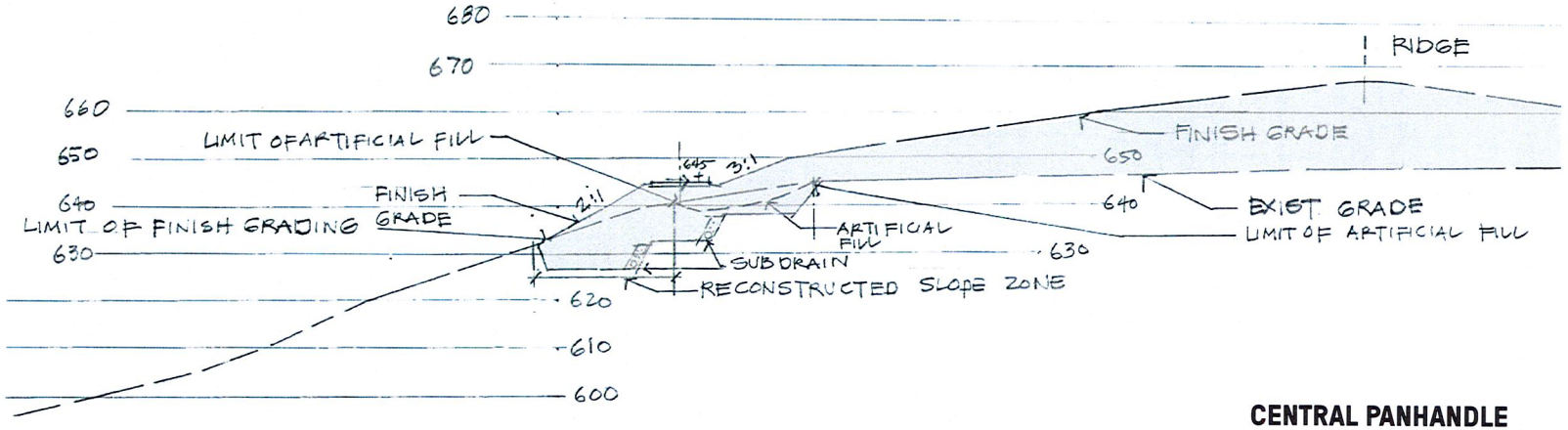


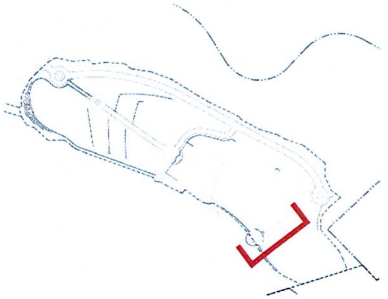
CENTRAL PLOT 98

TYPICAL GRADING SECTIONS, PLOT 98

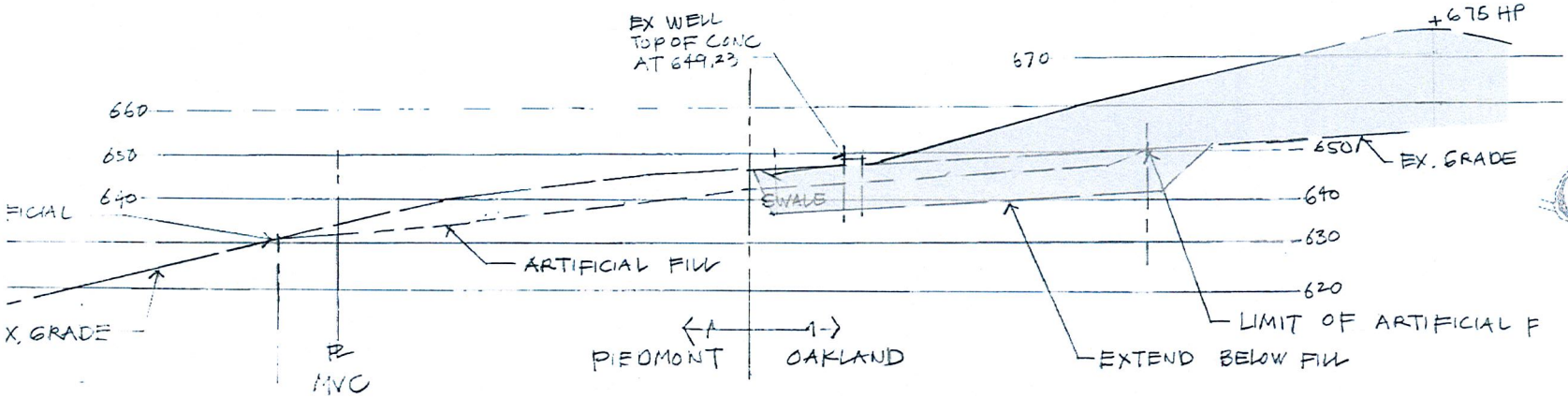
MOUNTAIN VIEW CEMETERY May 2016

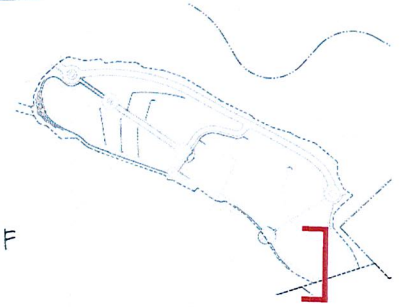
swa





CENTRAL PANHANDLE





SOUTHEASTERN PANHANDLE

TYPICAL GRADING SECTIONS, PANHANDLE

MOUNTAIN VIEW CEMETERY May 2016

swa

ATTACHMENT B:
FINAL EIR NOTICE OF AVAILABILITY

COMBINED NOTICE OF AVAILABILITY AND RELEASE OF A RESPONSE TO COMMENTS/ FINAL ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARINGS ON CERTIFICATION OF THE EIR, AND CONSIDERATION OF APPROVAL OF THE MOUNTAIN VIEW CEMETERY EXPANSION PROJECT

TO:	All Interested Parties
PROJECT NAME:	Mountain View Cemetery Expansion Project
PROJECT LOCATION:	5000 Piedmont Avenue, Oakland; APN 048A700200302
PROJECT SPONSOR:	Mountain View Cemetery Association
CASE FILE NO:	ER15001;
PROJECT LOCATION:	The Mountain View Cemetery occupies a site of approximately 223 acres located primarily within the City of Oakland, surrounded by the Claremont Country Club and St. Mary Cemetery on the north, the City of Piedmont on the south, and Oakland residential neighborhoods to the east and west. The Project site consists of approximately 7.5 acres of currently undeveloped land within the upper hillside portion of the Cemetery.

PROJECT DESCRIPTION: The Project site includes development plans at three separate but interrelated development plots on the Cemetery property, all of which are entirely within the City of Oakland. The three new development sites will be connected to each other and to the existing portions of the Cemetery by extensions of on-site roadways. The intent of the Project is to develop new burial sites that are gently pitched to the southwest, offering panoramic views of the San Francisco Bay and skyline. Individual plot sales and development are to be implemented in phases for operational and economic purposes. Activities at the new burial sites will be the same as the majority of the Cemetery, primarily a pastoral and scenic area with occasional burial services and visitors. With a design capacity of approximately 6,300 individual plots among the three development sites, the Project would provide Mountain View Cemetery with an estimated 15 years of additional operational capacity.

The Project Applicant is seeking a Conditional Use Permit and Regular Design Review approval. Modification to the City's standard conditions of approval to accommodate build-out of the Project over a 15-year period is requested as part of the Conditional Use Permit. The Project will also need an approved Creek Permit and a Tree Permit prior to construction.

ENVIRONMENTAL REVIEW: Preparation of the Response to Comments/ Final EIR has been overseen by the City's Environmental Review Officer, and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City. Starting after 12 pm on Friday, October 27, 2017, copies of the Responses to Comments/Final EIR will be available for review or distribution to interested parties at no charge, at the City of Oakland Bureau of Planning, 250 Frank H.

Ogawa Plaza, Suite 2214, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 4:00 p.m. The Responses to Comments/ Final EIR may also be reviewed at the following website:

http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157

This is Item forty-three (43).

PUBLIC HEARINGS ON FEIR:

The Oakland City Planning Commission a will conduct a public hearing on **November 15**, 2017, at 6:00 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza, to consider certification of the Final EIR and project approvals

Copies of the Draft EIR were available for review at the City of Oakland Bureau of Planning, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California and on the City's website at:
http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157
The Draft EIR is also under item number forty-three (43). Copies of the Draft SEIR were also distributed to interested parties.

If you challenge the environmental document or other actions pertaining to the Project in court, you may be limited to raising only those issues raised at the public hearings described above, in written correspondence received by the Bureau of Planning, Planning and Zoning Division on or prior to 4:00 p.m. on November 15, 2017.

For further information, please contact **Catherine Payne** at **(510) 238-6168** or cpayne@oaklandnet.com.

Darin Ranelletti
Deputy Director, Planning and Building Department

Date of Notice: **October 27, 2017**

File Number: ER15001

ATTACHMENT C:

Mountain View Cemetery Expansion Project Draft EIR (provided under separate cover to the Planning Commission and available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK058861 and at http://oaklandnet/home/government/o/PBN/OurServices/Application/DOWD009157