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2401 BROADWAY PROJECT

CEQA Analysis

Pursuant to California Resources Code Sections 21083.3, 21094.5.5, and 21166 and CEQA Guidelines Sections 15164, 15183, and 15183.3.

Date: September 5, 2017

Project Address: 2401 Broadway

Case Number: PLN16-246

Zoning: D-BV-1 Broadway Valdez District Retail Priority Sites Commercial Zone and CC-3 Community Commercial Zone

General Plan: Central Business District and Community Commercial

APNs: 008-0674-00-301, 008-0674-00-400, 008-0674-00-500, 008-0674-00-600

Lot Size: 1.21 acres

Applicant: Signature Development Group
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I. Executive Summary

The project applicant, Signature Development Group, is proposing to redevelop four parcels into a mixed-use development.¹ The majority of the project site is within the Broadway Valdez District Specific Plan (BVDSP, or Plan) area. The largest and primary parcel in the project site fronts Broadway and 25th Street and is located entirely within the BVDSP. The parcel to the south, fronting Broadway and 24th Street, straddles the boundary line of the BVDSP and thus is in both the BVDSP and Community Commercial Zone (CC-3). The other two parcels to the east, one fronting 24th and one fronting 25th, are entirely in the CC-3 Zone. The project site is currently occupied by two surface parking lots, a vacant building at 437 25th Street, and a Mitsubishi and Kia service and parts center at 2401-2417 Broadway. The 2401 Broadway project (proposed project) would include construction of a three- to six-story mixed-use hotel, residential, and commercial building including a parking garage, with an area of approximately 216,810 gross square feet. The proposed building would have a maximum height of 85 feet (not including roof parapet).

The proposed project would include up to 27,200 square feet of commercial space mostly along Broadway and 25th Streets, up to 93,610 square feet of hotel space (159 rooms, mezzanine meeting rooms and the hotel lobby), and up to 77,500 square feet of residential uses with 72 residential units. The proposed project would provide 129 vehicle parking spaces using stackers on the ground floor, 50 secure bicycle parking spaces located in the mezzanine area above the garage, and bicycle racks along the Broadway and 24th Street frontages to accommodate short-term visitors.²

This California Environmental Quality Act (CEQA) Analysis evaluates the 2401 Broadway Project using CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15164, Section 15183, and Section 15183.3. As a portion of the project site is located in the BVDSP area, this CEQA Analysis relies not only on previous CEQA documents, as defined below, but also on the BVDSP Environmental Impact Report (EIR).

BVDSP EIR

The BVDSP Environmental Impact Report (EIR) analyzed environmental impacts associated with adoption and implementation of the BVDSP and, where the level of detail available was adequate for analyzing potential environmental effects, provided a project-level California Environmental Quality Act (CEQA) review of reasonably foreseeable development.³ Project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects that are developed under the BVDSP.

While a portion of the project site is outside the area studied as part of the BVDSP EIR and not included in the Development Program, the entire project is conservatively considered in the analysis of consistency with the BVDSP EIR and Development Program. As shown in **Table 1**, the proposed

¹ Note the project site includes a total of four parcels, one of which is located within the BDVSP Plan Area and three in the CC-3, Community Commercial Zone.

² The cars will be stacked four high, with three above grade and one below grade.

³ ESA (Environmental Science Associates). 2013. *Broadway Valdez District Specific Plan, Draft Environmental Impact Report*. SCH No. 2012052008. September. ESA (Environmental Science Associates). 2014. *Broadway Valdez District Specific Plan, Responses to Comments and Final*. May. (These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza, #3115, or online at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/OWD008194>.)

project would provide more dwelling units and hotel rooms and less commercial uses than contemplated for Valdez Triangle Subdistrict 3, as indicated in Table 4.13-7 of the BVDSP EIR (72 residential units instead of 40 residential units, 159 hotel rooms instead of zero, and 27,200 square feet of commercial use instead of 251,398 square feet).⁴ The Broadway Valdez Development Program is conceptual only and illustrates one of many possible development scenarios under the BVDSP, a plan that specifically did not prescribe or assume exact land uses on a site-by-site basis.

**TABLE 1
 COMPARISON OF BVDSP DEVELOPMENT PROGRAM,
 SUBDISTRICT 3 DEVELOPMENT PROGRAM, AND PROPOSED PROJECT**

Development Characteristics	Total BVDSP Development Program^a	Development Program for Subdistrict^b	Proposed Project
Hotel Rooms	180	0	159
Residential Units	1,800	40	72
Commercial Square Footage (net)	695,000 square feet of office space 1,114,000 square feet of restaurant/retail space	251,398 square feet	27,200 square feet

^a Development Program Total, listed in Table 4.13-7 of the BVDSP EIR.

^b Broadway Valdez Development Program Physical Height Model, Figure 3-11 of the Broadway Valdez District Specific Plan EIR.

SOURCE: City of Oakland. 2014. *Broadway Valdez District Specific Plan*. Adopted June.

The proposed project is in Subdistrict 3 of the Valdez Triangle subarea of the Plan. The proposed project would generate 63 AM and 99 PM net new peak-hour vehicle trips. Together with trips generated by other projects that are currently under construction, approved, or proposed for development in the Plan Area, this would represent approximately 48 percent of the AM and 50 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Plan Area, 81 percent of the AM and 72 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle subarea, and 94 percent of the AM and 70 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3. While the total number of proposed project residential units combined with units proposed for projects under construction, approved, and proposed in the Plan Area would exceed the Development Program Buildout assumptions in the BVDSP EIR, their combined trip generation would be within the scope of the program analyzed under the BVDSP EIR for the Plan Area, the Valdez Triangle, and Subdistrict 3, and the proposed project would be consistent with the assumptions in the BVDSP EIR. In addition, the EIR traffic impact analysis, which the EIR determined was the key environmental factor constraining development, remains valid for the proposed project.⁵ Therefore, the proposed project meets the requirements for preparation of an addendum, as evidenced in Attachment D to this document.

⁴ Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

⁵ As shown in Table 7 in Section 13, Transportation and Circulation, 2,802 net new residential units have been proposed or approved in the Plan Area compared to 1,800 residential units described in the BVDSP EIR.

Previous CEQA Documents

Qualified planning-level documents can be used as a basis to provide CEQA clearance of the proposed project under specific CEQA provisions. Those CEQA documents include Oakland's 1998 General Plan Land Use and Transportation Element EIR ("1998 LUTE EIR"), the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, and the 2011 Central District Urban Renewal Plan Amendments EIR (or "Redevelopment Plan Amendments EIR"). These are referred to collectively throughout this document as "the Previous CEQA Documents" or "Prior EIRs."

CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects) provide that the Previous CEQA Documents can be used as Program EIRs in support of streamlining and/or tiering provisions under CEQA. CEQA Section 15168 defines the "program EIR" as one prepared on a series of actions that can be characterized as one large project and are related geographically and by other shared characteristics. Section 15168 continues that "subsequent activities in the program EIR must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document would be required.

Further, CEQA Guidelines Section 15180 specifies that if a certified redevelopment plan EIR is prepared, no subsequent EIRs are required for individual components of the redevelopment plan unless a subsequent EIR or supplement to the EIR would be required by Section 15162 or 15163.

Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provides a basis for CEQA compliance.

1. **Community Plan Exemption.** Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact."
2. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area and on a site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter, able to satisfy the performance standards provided in State CEQA Guidelines Appendix M, and consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

3. **Addendum.** Public Resources Code Section 21166 and State CEQA Guidelines Section 15164 state that an addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a subsequent EIR or negative declaration, per Section 15162, are satisfied.

The CEQA Checklist provided below evaluates the potential project-specific environmental effects of the proposed project and whether such impacts were adequately covered by the BVDSP EIR or Prior EIRs to allow the above-listed streamlining and/or tiering provisions of CEQA to apply. The analysis conducted incorporates by reference the information contained in the BVDSP EIR and Prior EIRs. Mitigation measures and Standard Conditions of Approval (SCAs) identified in the BVDSP EIR and Prior EIRs that would apply to the proposed project are listed at the end of the CEQA Checklist. The proposed project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the BVDSP EIR and Prior EIRs as well as applicable City of Oakland (City) SCAs; therefore, the measures and SCAs are herein assumed to be included as part of the proposed project (see Attachment A).

Examination of the analysis, findings, and conclusions of the BVDSP EIR, as summarized in the CEQA Checklist below, indicates that the BVDSP EIR adequately analyzed and covered the potential environmental impacts associated with the proposed project. In addition, as summarized in the CEQA Checklist below, the proposed project is within the scope of the Prior EIRs and no new environmental document would be required. The streamlining and/or tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis, under CEQA, is required.

II. Project Description

Project Location

The project site is comprised of 1.21 acres at 2401 Broadway, which includes 2417 Broadway, 422 24th Street, and 437 25th Street. The site consists of four parcels with the following Assessor's Parcel Numbers: 008-067400301, 008-067400400, 008-067400500, and 008-067400600.

The site is bounded by two single-story commercial/industrial buildings to the west containing warehouse uses, 24th Street to the south, Broadway to the east, and a small surface parking lot and 25th Street to the north, as shown in **Figure 1**. The largest and primary parcel in the project site (2417 Broadway fronting Broadway and 25th Street) is located in the BVDSP Plan Area and specifically Subdistrict 3 of the Valdez Triangle Subarea, Retail Priority Site 2. The parcel fronting Broadway and 24th Street (2401 Broadway) straddles the boundary line of the BVDSP and thus is in both the BVDSP and Community Commercial Zone (CC-3). The remaining two parcels (422 24th Street and 437 25th Street) are entirely in the CC-3 Zone. The project site is northeast of Uptown Oakland and northwest of Lake Merritt. The project site is mostly located within the 25th Street Garage District, with the exception of the portion of 2417 Broadway that is currently occupied by a surface parking lot.

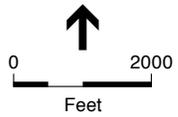
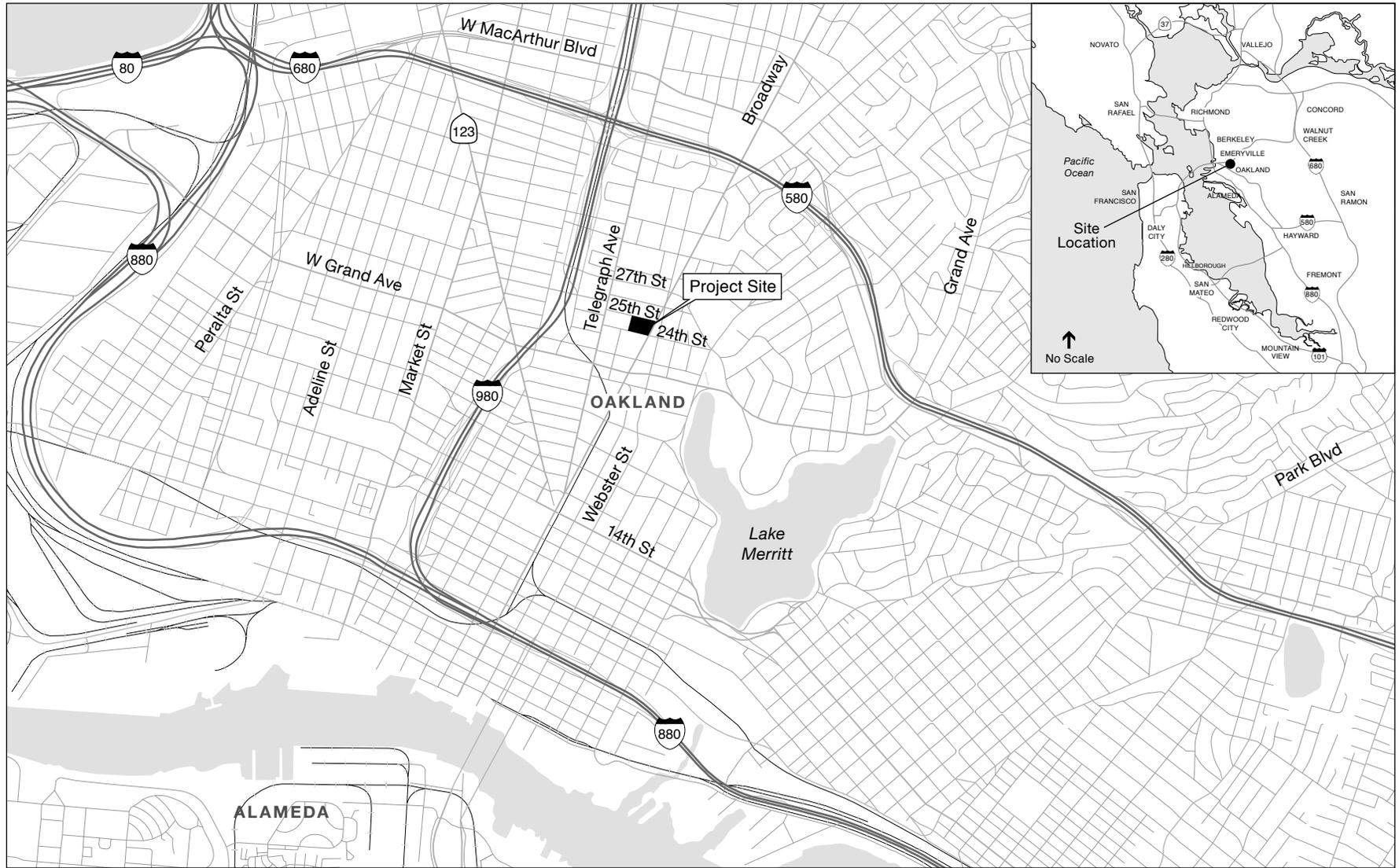
The project site is accessible from Interstate 580, approximately 0.7-mile to the north, and Interstate 980/State Route 24, approximately 0.5 mile to the west. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 6, 51A, 651, 800, 851, and the Broadway Shuttle. The 19th Street Bay Area Rapid Transit District (BART) station is approximately 0.5-mile south of the site, and the MacArthur BART station is approximately 1.3 miles northwest of the site.

Existing Conditions

The 1.21-acre site is predominantly flat and is currently occupied by two surface parking lots, a vacant building at 437 25th Street, and a Mitsubishi and Kia service and parts center at 2401-2417 Broadway. The project site, except for the portion of 2417 Broadway that is currently occupied by a surface parking lot, is located within the 25th Street Garage District, which is identified as a historic district (Areas of Primary Importance [API]). Nearby local historic resources include the Packard Lofts (across 24th street), the First Presbyterian Church (2 blocks north), and the Downtown Oakland YMCA (1 block south).

The building at 2417/2401 Broadway has an Oakland Cultural Heritage Survey (OCHS) rating of Eb-1*, and 437 25th Street has an OCHS rating of C1+. These OCHS ratings are further explained in Section 4, Cultural Resources, below.

The project site has a total of eight existing curb cuts: one along Broadway, three along 24th Street, and four along 25th Street. There is one existing street tree (elm) located on Broadway and one (crape myrtle) on 25th Street, as well as, nine trees (juniper) that are planted along the perimeter of the site along 25th Street.



SOURCE: ESA

2401 Broadway . 160823

Figure 1
Project Location

The project site has frontages on Broadway, 24th Street, and 25th Street, as shown in Figure 1. Existing uses in the project vicinity are primarily commercial (e.g., auto dealerships/service centers, retail, restaurants, and entertainment) and multi-family residential. Existing uses to the north include God's Gym and auto services. Existing uses to the west include warehouses, art galleries/studios, surface parking, a residential apartment building, and the New Parkway Theater. Existing uses to the south include Packard Lofts (with ground floor retail and restaurants), and The Hive. Existing uses to the east include auto services, Bay Area Bikes, and AU Lounge. As evidenced by the surrounding land uses, the area is transitioning from its auto-oriented service centers to a vibrant mixed-use community consisting of residential, office, and commercial uses.

The General Plan land use designation for 2417 Broadway is Central Business District (CBD) and for 422 24th Street and 437 25th Street, is Community Commercial (CC). The parcel at 2401 Broadway straddles the boundary line of the BVDSP and thus is in both the CBD and CC. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density, mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The intent of the Community Commercial zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.

The Zoning designation for 2417 Broadway is D-BV-1 (Retail Priority Sites Commercial Zone 1) and for 2401 Broadway, 422 24th Street and 437 25th Street, is Community Commercial (CC-3). The intent of the D-BV-1 zone is to ensure that larger sites and opportunity areas are reserved primarily for new, larger retail development to accommodate consumer goods retail, at least on the ground floor. Residential uses are conditionally permitted if retail is proposed. Retail Priority Sites are also well served by transit, have excellent vehicular access, and are in areas of good visibility. The CC-3 zoning designation is intended to create, maintain and enhance areas with heavy commercial and service activities.

Project Characteristics

The proposed project would demolish the existing buildings and surface parking lots on the project site, but would retain and restore existing façades at the southeast corner of the project site (Broadway and 24th Street). The building at 437 25th Street, at the northwest corner of the project site, would not be demolished. Rather, this building would be tied to the new building. The front and two internal walls would be retained as well as a portion of the roof truss. The proposed project would construct a three- to six-story building that would include hotel, residential, and commercial uses, including a parking garage, with an area of approximately 216,700 gross square feet. The proposed building would have a maximum height of 85 feet (not including roof parapet).

The proposed project would include up to 27,200 square feet of commercial space, up to 93,610 square feet of hotel space (159 rooms, mezzanine meeting space and the hotel lobby), and approximately 77,500 square feet of residential uses with 72 residential units. The proposed project would provide 129 vehicle parking spaces using stackers on the ground floor, 50 secure bicycle parking spaces located in the mezzanine area above the garage, and bicycle racks along the Broadway and 24th Street frontages to accommodate short-term visitors. The project characteristics

are shown below in **Table 2**. The project typical floor plans, typical building section, and building renderings are shown in **Figures 2 through 9**.

**TABLE 2
 PROJECT CHARACTERISTICS**

Lot	Dimensions
Size	52,843 square feet (1.21 acres)
Proposed Uses	Area (gsf)
Hotel	93,610
Residential	77,500
Commercial (Retail)	27,200
Other (Amenities, Parking, Support, Circulation)	18,500
Total Uses	216,810
Proposed Hotel Rooms	Amount (Percent)
King	36(23%)
Standard	113 (71%)
Suite	10 (6%)
Total Keys	159 (100%)
Proposed Residential Units	Amount (Percent)
Studio	26 (36%)
1-bedroom	20 (28%)
2-bedroom	21 (29%)
3-bedroom	5 (7%)
Total Units	72 (100%)
Proposed Parking	Number of Spaces
Residential	36
Commercial and Hotel	93
Total Vehicle Parking Spaces	129
Bicycle Parking Spaces	50
Open Space	Area (sf)
Podium Amenity	3,071
Roof Deck Amenity	2,948
Total Open Space	6,019

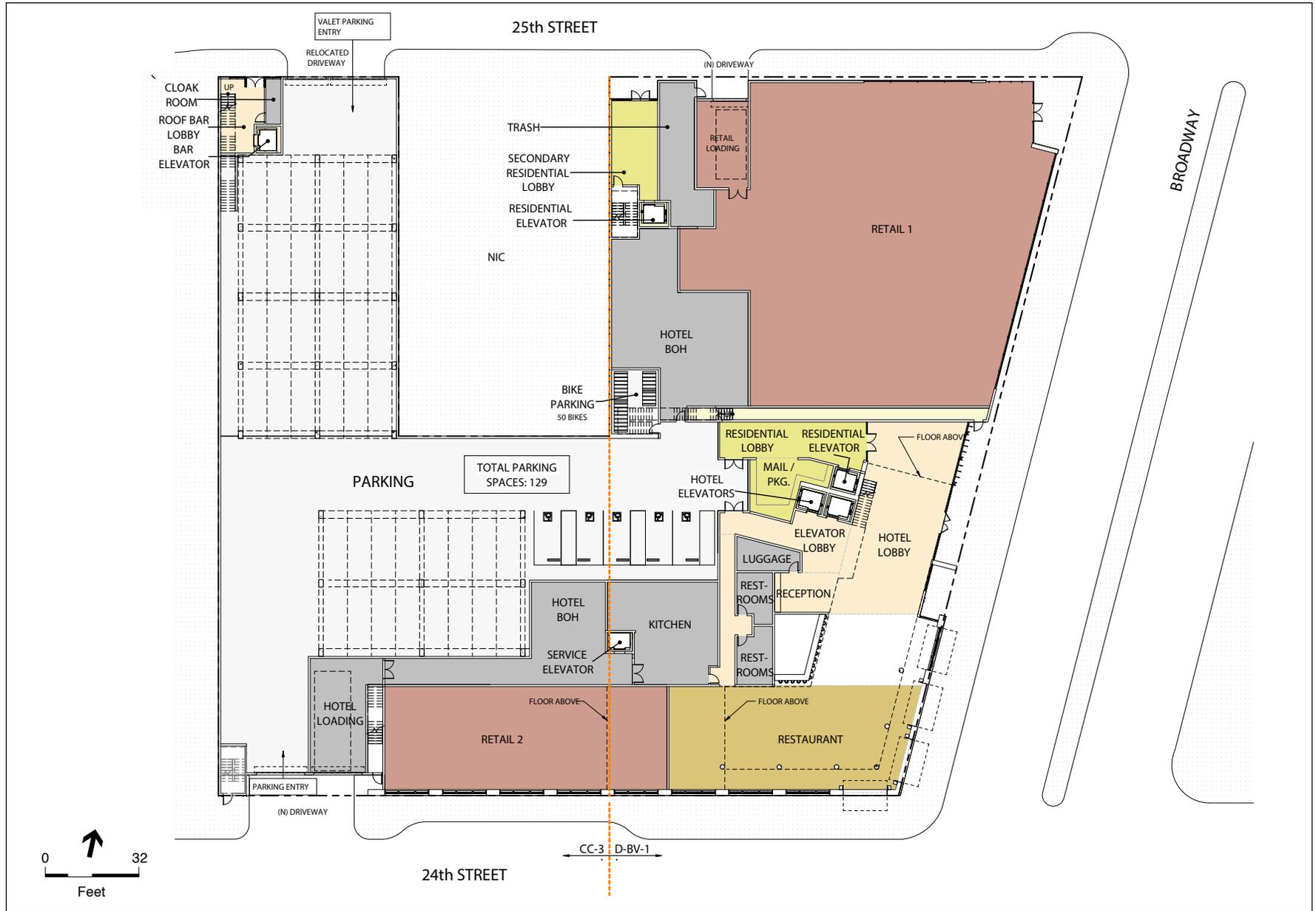
SOURCE: BAR Architects, 2017.



SOURCE: BAR Architects

2401 Broadway . 160823

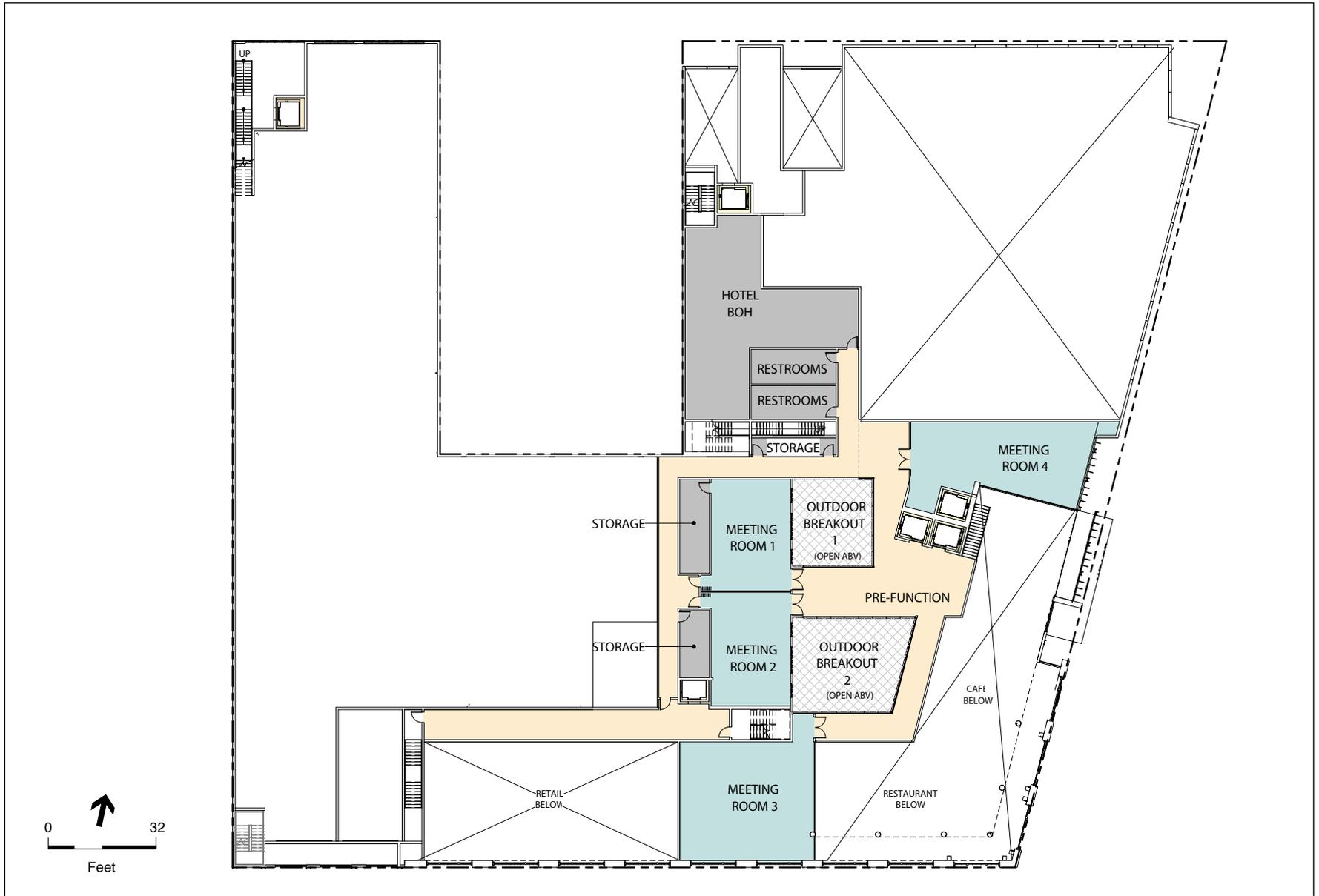
Figure 2
Site Plan



SOURCE: BAR Architects

2401 Broadway . 160823

Figure 3
Floor Plan Level 1





SOURCE: BAR Architects

2401 Broadway . 160823

Figure 5
Floor Plan Level 3

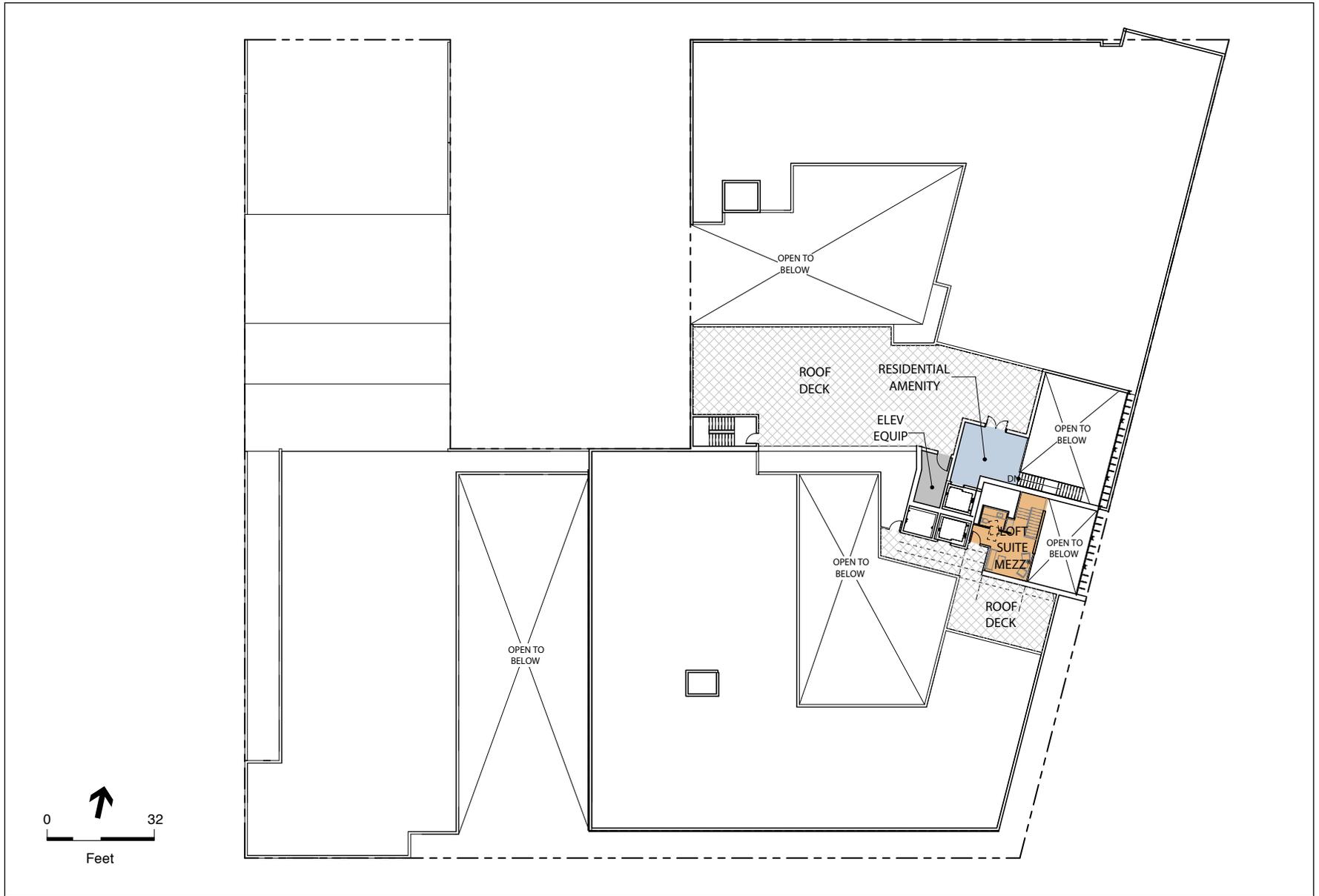


SOURCE: BAR Architects

2401 Broadway . 160823

Figure 6
Floor Plan Level 4







EXTERIOR ELEVATION - SOUTH (24TH STREET)



EXTERIOR ELEVATION - EAST (BROADWAY)

Hotel Uses

The hotel lobby would be located on the ground floor fronting Broadway and 24th Street. It would be approximately 8,233 square feet with an approximately 21-foot-high ceiling. The hotel would be located immediately above the lobby in the southern portion of the building, occupying floors two through six. The hotel would include a total of 159 hotel rooms composed of approximately 113 standard rooms, 36 king rooms, and 10 suites. In total, approximately 93,610 square feet of the building area would be dedicated to hotel uses.

Residential Uses

Residential uses would be located in the northern portion of the building fronting Broadway and 25th Street. They would total approximately 77,500 square constructed on levels two through six, above the parking garage and commercial uses, and would include up to 72 residential units. The residential units would be composed of approximately 6 studio units, 20 junior on-bedroom units, 20 one-bedroom units, 21 two-bedroom units, and five three-bedroom units. Although the residential units would share access via a combined hotel and residential core, a key-controlled doorway on each floor would restrict access to residents only.

Commercial Uses

Commercial or retail uses would be located at the ground floor along Broadway, 24th and 25th Streets. They would total approximately 20,000 square feet and would be divided into three distinct spaces, each with ground-level street access. In addition, a bar of approximately 6,000 square feet would be provided on the third and fourth levels along 25th Street.

Access, Circulation, and Parking

The hotel lobby would be located on Broadway; an additional pedestrian entrance/exit to the hotel would be located at the northwest corner of the project site. The main residential lobby would be located along the middle of the project site on Broadway; an additional pedestrian entrance/exit to the residential units would be provided at the middle of the project site on 25th Street. Access to commercial spaces would be provided along the respective street frontages. Access to the shared parking garage would be at both the southern frontage of the site on 24th Street and at the northwest corner of the project site, along 25th Street. Stairwells and elevators would connect the parking garage with the hotel, residential, and commercial spaces.

Approximately 18,500 square feet of parking space would be provided in the ground level. Approximately 129 vehicular parking spaces would be provided, including 5 ADA-accessible spaces. Secure bicycle parking spaces (approximately 50) would be provided in the mezzanine level above the garage, and bicycle racks on Broadway and 24th Street would provide short-term bicycle parking for visitors.

Two commercial loading docks would be accessed from designated loading driveways on 24th and 25th Streets.

Open Space

The proposed project would provide approximately 6,000 square feet of common open space on the top of the podium and on the roof, which would be accessible to building residents; amenities may include a courtyard and wood deck lounge area.

Streetscape Improvements

Sidewalk and streetscape improvements would be installed as part of the project, consistent with the BVDSPP Public Realm Design Guidelines for Streetscape Design. Streetscape improvements would also include new street trees and lights along all street frontages, bulb outs, and bicycle racks for retail parking.

Building Design

The proposed building would consist of a podium structure wrapped with commercial uses along all three street frontages and five shared residential/hotel levels in an L-shape rising above the podium. The podium and commercial components of the building would extend up to approximately 21 feet above grade, and the five residential/hotel levels would extend up to approximately 85 feet above grade.

At the intersection of Broadway and 24th Streets, the two-story commercial space would be prominent and the residential levels above would be set back eight feet from the historic façade. As noted previously, the historic façade of 2401 Broadway would be retained and /or restored as part of the proposed project.

Activity/Employment

The proposed project would include a mix of residential and commercial or retail uses. Based on the generation rate established for the BVDSPP area of 1.87 persons per household, the proposed project could generate approximately 135 new residents. The approximate 27,200 square feet of retail space and up to 159 hotel rooms could generate up to 198 jobs.⁶

Project Construction

Construction activities would consist of demolition of the existing buildings and surface parking lots, excavation and shoring, foundation and below-grade construction, and construction of the building and finishing interiors. Project construction is expected to occur over approximately 26 months, with construction scheduled to commence in spring 2018, and be completed by spring 2020. Approximately 30 workers would be required in the early stages of construction and approximately 160 workers would be required at the peak of construction.

⁶ Based on the generation rate established for the BVDSPP area of 1 employee per 500 square feet of retail and 0.9055 employees per hotel room. While industry practice also accepts the retail generation rate for hotel use, the change in estimated employees for this proposed project would not make a meaningful difference in terms of the CEQA analysis and results. Therefore, for the purposes of consistency with the BVDSPP EIR and conservative analysis related to Greenhouse Gases, this analysis assumes the lower, 0.9055 employees per hotel room generation rate.

The proposed project would excavate approximately 4,000 cubic yards of soil. The soil would be off-hauled from the site in compliance with the City's Standard Conditions of Approval ("SCA") HAZ-2 that includes required compliance with identified federal, state or local regulations or requirements and specific performance criteria (see Section V.8, *Hazards and Hazardous Materials*). No soils are anticipated to be imported to the site. Groundwater on the site has been encountered between approximately 19 to 22.5 feet below ground surface, with possible shallow perched saturated zone between approximately 13 to 14 feet below ground surface beneath the southwestern portion of the site.⁷ Grading activities are anticipated to potentially reach a depth of up to four feet, which is well above the recorded depth of groundwater. However, in the unlikely event that groundwater is encountered during construction, dewatering would be required as further explained in Section 8, Hydrology and Water Quality, below. The proposed project anticipates foundations being a reinforced concrete mat slab approximately 24-36 inches deep.

Project Approvals

The proposed project would require a number of discretionary actions and approvals, including without limitation:

Actions by the City of Oakland

- **Planning Commission** – Regular Design Review, CEQA determination, Major Conditional Use Permits (CUP), and vesting tentative parcel map for lot merger and condominium purposes. The CUP would be for residential development and height increase on a Retail Priority Site, the use of shared parking to fulfill parking requirements, transient habitation (hotel use), alcoholic beverage sales and extension of the hotel use into the CC-3 Zone.
- **Public Works Tree Division** – Issuance of tree removal permit.
- **Building Department & Engineering Services** – Grading permit and other related on- and off-site work permits (e.g., public right-of-way improvements, and tie backs) as well as encroachment permits.

Actions by Other Agencies

- **Bay Area Air Quality Management District (BAAQMD)** – Issuance of permits for asbestos abatement activities, if any.⁸
- **RWQCB** – Acceptance of a Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit, and Notice of Termination after construction is complete, approval of the Site Management and Contingency Plan.
- **EBMUD** – Grant a Special Discharge Permit to discharge construction dewatering to the sanitary sewer and/or approval of new service requests and new water meter installations.

⁷ PES Environmental, Inc., 2016. *Site Mitigation and Contingency Plan, 2401 Broadway, Oakland, California*, January 11.

⁸ As noted in the Phase I Environmental Site Assessments conducted for proposed project (PES Environmental, Inc., 2015), an assessment of asbestos-containing materials (ACMs) was not conducted at the project site. However, the commercial structures on the project site were built prior to 1970, and therefore may contain ACMs.

III. Prior EIRs

BVDSP EIR

The BVDSP provides a framework for future growth and development in an approximately 95.5-acre area along Oakland's Broadway corridor between Grand Avenue and I-580. Although it does not propose specific private developments, the BVDSP establishes a Development Program to project the maximum level of feasible development that can reasonably be expected during the 25 year planning period (i.e., approximately 3.7 million square feet, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180 room hotel, approximately 6,500 parking spaces, and approximately 4,500 new jobs). As described above, the BVDSP EIR analyzed the environmental impacts of adoption and implementation of the BVDSP, and where the level of detail available was adequate for analyzing potential environmental effects, the EIR provided project-level CEQA review for foreseeable and anticipated development.

On September 20, 2013, the City of Oakland released for public review the draft EIR for the BVDSP. The public review and comment period extended from September 20, 2013, through November 12, 2013. The Landmarks Preservation Advisory Board (LPAB) and the City of Oakland Planning Commission held hearings on the Draft EIR, and comments received during the public review and comment period were addressed in the Final EIR for the BVDSP. Prior to adoption of the Final EIR, additional public hearings were held by both the LPAB and the Planning Commission. The Final EIR was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014.

The Final EIR determined that impacts on the following resources would be less than significant, or would be reduced to a less-than-significant level with implementation of mitigation measures or compliance with City of Oakland SCAs: aesthetics; biology; geology, soils, and geohazards; hazardous materials; hydrology and water quality; land use, plans, and policies; population, housing, and employment; public services and recreational facilities; and utilities and service systems. The Final EIR determined that implementation of the BVDSP would have significant unavoidable impacts related to the following environmental resources: wind and shadow, air quality, cultural resources, greenhouse gases (GHGs) and climate change, noise, and transportation. Because of the potential for significant unavoidable impacts, a Statement of Overriding Considerations with findings was adopted as part of BVDSP approval on May 21, 2014, and confirmed by the City Council on June 17, 2014. The City Council found that, for the significant and unavoidable impacts listed above, the BVDSP EIR provided the best balance between the City's goals and objectives and the BVDSP's benefits. In addition, the City Council made the following determinations:

- The BVDSP updates the goals and policies of the general plan and provides more detailed guidance for specific areas within the Broadway Valdez District;
- The BVDSP builds upon two retail enhancement studies, the Citywide Retail Enhancement Strategy and the companion Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy, which identified the City's need to reestablish major destination retail in Oakland as being critical to stemming the retail leakage and associated loss of tax revenue

that the City suffers from annually. These reports also identified the Broadway Valdez District as the City's best opportunity to reestablish a retail core with the type of comparison shopping that once served Oakland and nearby communities and that the City currently lacks;

- The BVDSP provides a policy and regulatory framework to achieve one of the primary objectives: to transform the Plan Area into an attractive regional destination for retailers, shoppers, employers and visitors that serves, in part, the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- The BVDSP could create employment opportunities (both short-term construction jobs as well as permanent jobs), increase revenues (sales, property, and other taxes), and promote spin-off activities (as Plan Area workers spend some of their income on goods in the Plan Area);
- The BVDSP Development Program promotes increased housing densities in proximity to employment-generating land uses that support City and regional objectives for achieving a jobs/housing balance and transit-oriented development;
- The BVDSP design guidelines will ensure that future development contributes to the creation of an attractive pedestrian-oriented district characterized by high-quality design and a distinctive sense of place; and
- The BVDSP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking, and utility infrastructure as well as regulatory tools, policies, and potential funding mechanisms to realize those improvements.

The Notice of Determination (NOD) for the BVDSP EIR was filed with the State Clearinghouse on June 18, 2014, and was not challenged. Therefore, the BVDSP EIR remains valid.

Other Applicable Previous CEQA Documents

Other Applicable Previous CEQA Documents

The analysis in the BVDSP EIR directly applies to the 2401 Broadway Project, providing the basis for use of an Addendum. The following describes EIRs that constitute the other applicable Previous CEQA Documents considered in this CEQA Analysis that also form the basis for the use of the Community Plan Exemption. Each of the following documents are hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612, and/or located at <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158>.

Land Use and Transportation Element EIR

The City certified the EIR for its General Plan Land Use and Transportation Element (LUTE) in 1998. The LUTE identifies policies for utilizing Oakland's land as change takes place and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five "Showcase Districts" targeted for continued growth; the project site is located within the "Downtown Showcase District" ("Downtown") intended to promote a mixture of vibrant

and unique districts with around-the-clock activity, continued expansion of job opportunities, and growing residential population. The 1998 LUTE EIR is designated a “Program EIR” under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section V.

General Plan Housing Element Update EIR and Addendum

The City has twice amended its General Plan to adopt updates to its Housing Element. It certified a 2010 EIR for the 2007-2014 Housing Element, and a 2014 Addendum to the 2010 EIR for the 2015-2023 Housing Element. The General Plan identifies the City’s current and projected housing needs, and sets goals, policies, and programs to address those needs, as specified by the state’s *Regional Housing Needs Allocation* (“RHNA”) process. The project site is specified as a “Housing Opportunity Site” in the 2015-2023 Housing Element, and thus the 2401 Broadway Project would contribute to the total number of housing units needed in the City of Oakland to meet its RHNA target. The 2010 General Plan Housing Element Update EIR was designated a “Program EIR” under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the Housing Element that involve housing, are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section V.

Central District Urban Renewal Plan Amendments EIR (Redevelopment Plan Amendments EIR)

The 2401 Broadway Project site is located within the Central District Urban Renewal Plan Area, which generally encompasses the entire Downtown: approximately 250 city blocks (828 acres) in an area generally bounded by Interstate 980 (I-980), Lake Merritt, 27th Street and the Embarcadero. The Oakland City Council adopted the Central District Urban Renewal Plan (the “Redevelopment Plan”) for the Project Area in June 1969. The City prepared and certified an EIR for proposed amendments to the Urban Renewal Plan in 2011, and amended or supplemented the Plan up to April 3, 2012.⁹ The 2011 Redevelopment Plan Amendments EIR was designated a “Program EIR” under CEQA Guidelines Section 15180; as such, subsequent activities are subject to requirements under CEQA Section 15168.

⁹ The 2011 EIR addressed two amendments. A 17th Amendment to the Redevelopment Plan to (1) extend the duration of the Plan from 2012 to 2022 and extend the time period that the then-Redevelopment Agency could receive tax increment funds from 2022 to 2032, as allowed by Senate Bill (SB) 211 (codified as Health and Safety Code Section 33333.10 et seq.); (2) increase the cap on the receipt of tax increment revenue to account for the proposed time extensions; and (3) renew the then-Redevelopment Agency’s authority to use eminent domain in the Project Area. An 18th Amendment further extended the then-Redevelopment Plan time limit from 2022 to 2023 and extended the time period that the then-Redevelopment Agency could receive tax increment funds from 2032 to 2033, as allowed by Health and Safety Code Section 33331.5.

IV. Summary of Findings

An evaluation of the proposed project is provided in the CEQA Checklist in Section V that follows. This evaluation concludes that the 2401 Broadway Project qualifies for an addendum as well as an exemption from additional environmental review. It is consistent with the development density and land use characteristics established by the City of Oakland General Plan, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the BVDSP EIR, and/or in the applicable Prior EIRs: the 1998 LUTE EIR, the 2011 Redevelopment Plan Amendments EIR, and the 2010 General Plan Housing Element Update EIR and its 2014 Addendum.

The proposed project would be required to comply with the applicable mitigation measures and City of Oakland SCAs identified in the BVDSP EIR and presented in Attachment A to this document.¹⁰ While the entire project site is not located in the area studied by the BVDSP EIR, for purposes of this analysis, and to be conservative, the entire project was considered within the BVDSP EIR for purposes of analyzing consistency with the BVDSP EIR. With implementation of the applicable mitigation measures and SCAs, the proposed project would not result in a substantial increase in the severity of previously identified significant impacts or in any new significant impacts that were not previously identified in the BVDSP EIR or the applicable Prior EIRs.

In accordance with Public Resources Code Sections 21083.3, 21094.5, and 21166 and State CEQA Guidelines Sections 15183, 15183.3, and 15164, and as set forth in the CEQA Checklist below, the proposed project qualifies for an exemption/addendum because the following findings can be made:

- The proposed project would not result in significant impacts that (1) would be peculiar to the project or project site; (2) were not previously identified as significant project-level, cumulative, or off-site effects in the BVDSP EIR or Previous CEQA Documents; or (3) were previously identified as significant but—as a result of substantial new information that was not known at the time the BVDSP EIR or Previous CEQA Documents were certified—would increase in severity above the level described in the EIRs. Therefore, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183.
- The proposed project would not cause any new significant impacts on the environment that were not already analyzed in the BVDSP EIR or Previous CEQA Documents or result in more significant impacts than those that were previously analyzed in the BVDSP EIR or Previous CEQA Documents. The effects of the proposed project have been addressed in the BVDSP EIR or Previous CEQA Documents, and no further environmental documents are required, in accordance with Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3.
- The analyses conducted and the conclusions reached in the BVDSP EIR that was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014, remain valid, and no supplemental environmental review is required for the proposed project

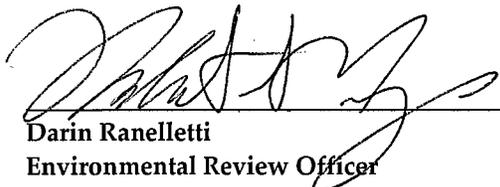
¹⁰ Throughout this document, except where necessary for clarity, “BVDSP EIR” encompasses the Initial Study, Draft EIR, and Final EIR for the Broadway Valdez District Specific Plan.

modifications. The proposed project would not cause new significant impacts that were not previously identified in the EIR or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to the circumstances surrounding the original project that would cause significant environmental impacts to which the proposed project would contribute considerably, and no new information has been put forward that shows that the proposed project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum, in accordance with Public Resources Code Section 21166 and State CEQA Guidelines Section 15164.

- The analysis in the Previous CEQA Documents, and in this CEQA Analysis, demonstrates that the proposed project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per State CEQA Guidelines Section 15162, because the level of development now proposed for the site is within the broader development assumptions analyzed in those EIRs. The effects of the proposed project have been addressed in those EIRs and no further environmental documents are required in accordance with State CEQA Guidelines Sections 15168 and 15180.

Overall, based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, as well as those of the 1998 LUTE EIR, the 2011 Redevelopment Plan Amendments EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum—all of which are summarized in the CEQA Checklist in Section V of this document—the potential environmental impacts associated with the 2401 Broadway Project have been adequately analyzed and covered in the BVDSP EIR and other Previous CEQA Documents. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.

 for _____
Darin Ranelletti
Environmental Review Officer

9/5/17
Date

V. CEQA Checklist

Overview

The analysis in this CEQA Checklist provides a summary of the potential environmental impacts that may result from the proposed project. The analysis in this CEQA Checklist also summarizes the impacts and findings of the certified BVDSP EIR, as well as the Prior EIRs that covered the environmental effects of various projects encompassing the project site and that are still applicable for the proposed project. As previously indicated, the Prior EIRs are referred to collectively throughout this CEQA Analysis as the “Previous CEQA Documents” and include the 1998 Land Use and Transportation Element EIR, the 2011 Central District Urban Renewal Plan (or Redevelopment Plan) Amendments EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element Update EIR and its 2014 Addendum. Given the timespan between the preparations of these EIRs, there are variations in the specific environmental topics addressed and significance criteria; however, as discussed above in Section III and throughout this Checklist, the overall environmental effects identified in each are largely the same; any significant differences are noted.

Several SCAs would apply to the 2401 Broadway Project because of the proposed project’s characteristics; the SCAs are triggered because the City is considering discretionary actions for the proposed project.

Because the SCAs are mandatory City requirements, the impact analysis for the proposed project assumes that they will be imposed and implemented, which the project applicant has agreed to do or ensure as part of the proposed project. If this CEQA Checklist or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected. If the language describing a mitigation measure or SCA included in the CEQA Checklist (including Attachment A) is inaccurately transcribed, the language of the mitigation measure or City of Oakland SCAs shall control.

Most of the SCAs that are identified for the 2401 Broadway Project were also identified in the BVDSP EIR, the 2011 Redevelopment Plan Amendments EIR, and the 2010 General Plan Housing Element Update EIR and its 2014 Addendum; the 1998 LUTE EIR was developed prior to the City’s application of SCAs. As discussed specifically in Attachment A to this document, since certification of the BVDSP EIR and Previous CEQA Documents, the City of Oakland has revised its SCAs, and the most current SCAs are identified in this CEQA Analysis. All mitigation measures identified in the BVDSP EIR that would apply to the proposed project are also identified in Attachment A to this document whereas mitigation measures identified in the Previous CEQA Documents are currently reflected in the SCAs.

This CEQA Checklist hereby incorporates by reference the discussion and analysis of all potential environmental impact topics as presented in the certified BVDSP EIR and the Previous CEQA Documents. This CEQA Checklist provides a determination of whether the proposed project would result in:

- Equal or Less Severity of Impact Previously Identified in BVDSP EIR or Previous CEQA Documents;
- Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR or Previous CEQA Documents; or
- New Significant Impact.

Where the severity of the impacts of the proposed project would be the same as or less than the severity of the impacts described in the BVDSP EIR and the Previous CEQA Documents, the checkbox for “Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents” is checked. Where the checkbox for “Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents” or “New Significant Impact” is checked, there are significant impacts that are:

- Peculiar to project or project site (per CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous EIR (BVDSP EIR or Previous CEQA Documents) (per CEQA Guidelines Sections 15183 or 15183.3), including off-site and cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial changes in the project (per CEQA Guidelines Section 15162);
- Due to substantial changes in circumstances under which the project will be undertaken (per CEQA Guidelines Section 15162); or
- Due to substantial new information not known at the time the BVDSP EIR or Previous CEQA Documents were certified (per CEQA Guidelines Sections 15162, 15183, or 15183.3).

None of the aforementioned conditions were found for the proposed project, as demonstrated throughout the following CEQA Checklist and in its supporting attachments (Attachments A through D) that specifically describe how the proposed project meets the criteria and standards specified in the CEQA Guidelines sections identified above.

Consistent with the requirements of CEQA, a determination of whether the proposed project would have a significant impact has occurred prior to the approval of the proposed project and, where applicable, standard conditions of approval and/or mitigation measures have been identified that will mitigate them. In some instances, exactly how the measures/conditions identified will be achieved awaits completion of future studies, an approach that is legally permissible where measures/conditions are known to be feasible for the impact identified, where subsequent compliance with identified federal, state or local regulations or requirements apply, where specific performance criteria is specified and required, and where the proposed project commits to developing measures that comply with the requirements and criteria identified.

Attachments

The following attachments are included at the end of this CEQA Checklist:

- A. Standard Conditions of Approval and Mitigation Monitoring and Reporting Program;
- B. Project Consistency with Community Plans or Zoning, Per CEQA Guidelines Section 15183;
- C. Infill Performance Standards, per CEQA Guidelines Section 15183.3; and
- D. Criteria for Use of Addendum, per CEQA Guidelines Sections 15164 and 15162.

The following technical reports are included as appendices at the end of this CEQA Checklist:

- A. Health Risk Assessment;
- B. Historic Resource Evaluation;
- C. Greenhouse Gas Emissions Detail; and
- D. Site Management Plan
- E. Greenhouse Gas Reduction Plan

1. Aesthetics, Shadow, and Wind

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create winds that exceed 36 mph for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

Scenic vistas, scenic resources, visual character, light and glare, and shadow were analyzed in each of the Previous CEQA Documents, which found that the effects to these topics would be less than significant. The 2011 Redevelopment Plan Amendments EIR and the 2010 General Plan Housing Element Update EIR and its 2014 Addendum cited applicable SCAs that would ensure the less-than-significant visual quality effects. The 1998 LUTE EIR identified mitigation measures that are

functionally equivalent to the SCAs to reduce certain potential effects to less than significant. The 1998 LUTE EIR also identified significant and unavoidable impacts regarding wind hazards.

BVDSP Findings

Scenic Vistas, Scenic Resources, and Visual Character (Criterion 1a)

The BVDSP EIR determined that potential impacts to scenic vistas and resources, visual character, and lighting and glare from development under the BVDSP would be less than significant with implementation of SCAs, and that no mitigation measures were necessary. The Physical Height Model analyzed in the BVDSP EIR represents the conceptual massing for projects to be developed under the BVDSP, and served as the basis for massing, view corridor, shadow, and wind analysis performed in the EIR.¹¹ The EIR found that new structures would partially obstruct views of the sky, but that such changes would not represent a substantial adverse effect on views, because no views considered scenic or unique (as defined by CEQA) and no visual access to protected scenic resources (as defined by the General Plan) would be obstructed. Changes anticipated under the BVDSP would generally create a more pedestrian-oriented aesthetic in the Plan Area, and the Design Guidelines would ensure that development under the BVDSP would be compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas. Development in the Plan Area will be required to comply with SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans.

Shadow (Criteria 1b through 1d)

The BVDSP EIR determined that development under the BVDSP would result in less-than-significant impacts from shading, with the exception of potential shading on Temple Sinai, which is considered a historical resource. Temple Sinai is at 356 28th Street near the intersection with Webster Street. Under the BVDSP EIR, Mitigation Measure AES-4: Shadow Analysis, applies to the area bounded by Webster Street, 29th Street, Broadway, and 28th Street to reduce shadow impacts. Even with implementation of Mitigation Measure AES-4, the EIR conservatively determined that impacts may remain significant and unavoidable. Development outside this area under the BVDSP was determined to result in less-than-significant shadow impacts. To address potential cumulative impacts, under the BVDSP EIR, Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5 (described below), applies to projects bounded by the streets listed above to address significant cumulative aesthetics and wind impacts. The EIR conservatively concluded that, even with implementation of Mitigation Measure AES-6, cumulative shadow impacts may remain significant and unavoidable for some projects.

¹¹ The Broadway Valdez Development Program represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years, and is therefore the level of development envisioned by the Specific Plan and analyzed in the BVDSP EIR. The Broadway Valdez Development Program, together with the Specific Plan height limits, maximum base heights, and step-back requirements inform the Physical Height Model, which provides the basis for analysis in the BVDSP EIR.

Wind (Criterion 1e)

The BVDSP EIR determined that development under the BVDSP that has a height of 100 feet or greater, and is in the portion of the Plan Area designated as Central Business District (which extends north from downtown to 27th Street), could result in adverse wind conditions. Under the BVDSP EIR, Mitigation Measure AES-5: Wind Analysis, applies to those projects in the Central Business District that are over 100 feet in height. Even with implementation of Mitigation Measure AES-5, the EIR conservatively determined that impacts may remain significant and unavoidable. To address potential cumulative impacts, under the BVDSP EIR, Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5, applies to those same projects and addresses significant cumulative wind and aesthetics impacts. Even with implementation of Mitigation Measure AES-6, the EIR conservatively determined that cumulative impacts may remain significant and unavoidable for some projects.

Project Analysis and Conclusions

Scenic Vistas, Scenic Resources, and Visual Character

Pursuant to the Design Guidelines, development within the Plan Area should contribute to the creation of a coherent, well-defined and active public realm that supports pedestrian activity and social interaction. The proposed project meets this guideline by widening sidewalks and adding amenities such as street trees on all three street frontages; mini plazas at all building entries; bulbouts, parklets, and a bike corral on 24th Street; and bike racks and waste receptacles on Broadway. The 2013 Commercial Corridor Design Guidelines provide guidelines in support of the General Plan goals to revitalize Oakland's major transit corridors, including Broadway and the proposed project's Broadway frontage. The proposed project requires design review approval, pursuant to Section 17.101C.020 of the City's Planning Code. As part of the design review process, the proposed project will be reviewed by the City to ensure consistency with the applicable BVDSP Design Guidelines as well as the Commercial Corridor Design Guidelines. The proposed project would be contemporary in design, utilizing a variety of materials, including, but not limited to aluminum sunshades, aluminum veneer panels, ceramic tile, metal beams, steel canopies and awnings, lap siding, and glass windows/storefronts. The design review process will ensure the proposed project would be consistent with the applicable BVDSP and citywide standards and guidelines related to aesthetics, compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas.

The project's potential impacts to scenic vistas, scenic resources, visual character, and light and glare would be less than significant with implementation of applicable SCAs.

Shadow

The project site is outside of the area identified in the BVDSP EIR as having potential shading impacts on Temple Sinai and therefore, BVDSP EIR Mitigation Measure AES-4 would not apply. While the height of the proposed project (i.e., 85 feet) would be above the 65-foot height analyzed in the Physical Height Model for this site, a close review of the BVDSP EIR shadow diagrams (EIR figures 4.1-5 through 4.1-16) shows that the shadow modeled from the project site would not

approach public open spaces, solar collectors, or historic resources. An extension of this shadow either through an increase in height or extension of the building footprint 30 feet westward into the CC-3 parcels also would not approach public open space, solar collectors, or historic resources. Therefore, the proposed project would not result in a project-specific impact nor contribute to a potential cumulative shading impact.

Wind

The proposed project is located in the Central Business District and would be up to 85 feet in height, which is below the 100-foot threshold that triggers an analysis of wind. Therefore, BVDSP EIR Mitigation Measure AES-5: Wind Analysis would not apply.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR and Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to aesthetics, shadows, or wind that were not identified in the BVDSP EIR or the Previous CEQA Documents. Mitigation Measures AES-4, AES-5, and AES-6 do not apply to the proposed project. The proposed project would be required to implement SCAs related to graffiti control, landscaping, landscape maintenance, street frontages, and lighting plans, as identified in Attachment A at the end of the CEQA Checklist (SCA AES-1: *Graffiti Control*, SCA AES-2: *Landscape Plan*, and SCA AES-3: *Lighting*).

2. Air Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. During project construction result in average daily emissions of 54 pounds per day of ROG, NO _x , or PM _{2.5} or 82 pounds per day of PM ₁₀ ; during project operation result in average daily emissions of 54 pounds per day of ROG, NO _x , or PM _{2.5} , or 82 pounds per day of PM ₁₀ ; result in maximum annual emissions of 10 tons per year of ROG, NO _x , or PM _{2.5} , or 15 tons per year of PM ₁₀ ; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a noncancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM _{2.5} of greater than 0.3 microgram per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM _{2.5} of greater than 0.8 microgram per cubic meter; or expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM _{2.5} of greater than 0.8 microgram per cubic meter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

Construction and Operational Emissions (Criterion 2a)

The 1998 LUTE EIR identified mitigation measures that would address operational emissions effects to less than significant, and it found significant and unavoidable cumulative effects regarding increased criteria pollutants from increased traffic regionally. The 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum found that emissions associated with construction and operations resulting from increased criteria pollutants would result in less-than-significant effects with incorporation of SCAs. The 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum also identified effective SCAs to address potentially significant effects regarding dust/Particulate Matter (PM₁₀), odors, and consistency with the applicable regional clean air plan.

Toxic Air Contaminants (Criterion 2b)

The 1998 LUTE EIR did not quantify or address cumulative health risks, as such analysis was not required when that EIR was prepared. The 2011 Redevelopment Plan Amendments EIR and 2010

General Plan Housing Element Update EIR and its 2014 Addendum identified significant and unavoidable impacts regarding cumulative health risks after the consideration of SCAs.

BVDSP Findings

Construction and Operational Emissions (Criterion 2a)

The BVDSP EIR determined that construction activities associated with development of projects under the BVDSP would generate air emissions from the use of heavy construction equipment, vehicle trips hauling materials, construction workers traveling to and from the project sites, and application of architectural coatings, such as paints; and would result in significant impacts. An SCA related to construction air pollution controls (hereafter referred to as SCA AIR-1: *Construction-Related Air Pollution Controls [Dust and Equipment Emissions]*), along with BVDSP Recommended Measure AIR-1, would reduce emissions from construction equipment, control fugitive dust, and reduce emissions from architectural coatings. Even with implementation of the SCA and BVDSP Recommended Measure AIR-1, the EIR conservatively estimated construction emissions would exceed the BAAQMD daily significance thresholds for reactive organic gases (ROG), resulting in a significant and unavoidable impact.

The BVDSP EIR also determined operational activities associated with development in the Plan Area would result in an increase in criteria air pollutant and precursor emissions from mobile on-road sources and on-site area sources, such as natural gas combustion for space and water heating and landscape maintenance, which would have a significant impact. Operational emissions of ROG, oxides of nitrogen (NO_x), and particulate matter less than or equal to 10 microns in diameter (PM₁₀) would exceed significance thresholds. An SCA (hereafter referred to as SCA TRA-4: *Transportation and Parking Demand Management Plan*) that requires the implementation of Parking and Transportation Demand Management (TDM) would reduce vehicular trips and operational emissions. Even with implementation of the SCA, the EIR concluded this impact would conservatively remain significant and unavoidable for emissions of ROG, NO_x, and PM₁₀.

Toxic Air Contaminants (Criterion 2b)

The BVDSP EIR determined that development under the BVDSP could generate substantial levels of Toxic Air Contaminants (TACs), resulting in significant impacts from construction activities and project operations. Implementation of the City's SCA for construction-related air pollution controls would reduce health risks to sensitive receptors from temporary construction emissions of diesel particulate matter in accordance with recommendations from the BAAQMD's *CEQA Air Quality Guidelines*.¹² As described under SCA AIR-1: *Construction-Related Air Pollution Controls [Dust and Equipment Emissions]*, basic controls for construction emissions would be implemented for all projects, and enhanced controls would be implemented for projects that involve 114 or more single-family dwelling units, 240 or more multi-family units, nonresidential uses that exceed the applicable screening size listed in the BAAQMD's CEQA Guidelines, a demolition permit, simultaneous occurrence of more than two construction phases, extensive site preparation, or extensive soil transport. Even with implementation

¹² BAAQMD, 2012. *CEQA Air Quality Guidelines*. Updated May.

of the SCA for construction-related air pollution controls, the BVDSP EIR conservatively determined that impacts from TAC emissions during construction would remain significant and unavoidable.

New operational sources, such as backup diesel generators, could result in significant impacts on new and existing receptors. SCAs would reduce potential air quality impacts related to TACs by reducing construction source impacts on new and existing receptors, and requiring a Health Risk Assessment of surrounding off-site sources on new on-site sensitive receptors. The EIR also identified BVDSP Mitigation Measure AIR-4: *Risk Reduction Plan*, which would reduce the impacts associated with new operational sources on existing sensitive receptors. Even with the SCA and Mitigation Measure AIR-4, the EIR conservatively determined that these impacts would remain significant and unavoidable.

Project Analysis and Conclusions

Construction and Operational Emissions (Criterion 2a)

The proposed project would be up to 216,810 square feet in size, including up to 72 residential units, a 159-room hotel and up to 27,200 square feet of retail. The BVDSP EIR allows for the distribution of density and development type between categories and sub-areas as long as such development conforms to the general traffic generation parameters established by the Plan. The proposed project conforms to the traffic generation parameters analyzed in the BVDSP EIR, as described below in Section 13, Transportation and Circulation; therefore, the BVDSP EIR accounted for the construction and operational emissions from the development proposed on the project site within its analysis. Although not required to mitigate a significant impact, the proposed project would be required to comply with applicable SCAs related to parking and transportation demand and construction, and operation source emissions.

Because the proposed project would include a demolition permit and the potential simultaneous occurrence of construction phases (e.g., building construction, architectural coating, and paving), it would be required to implement both the basic and enhanced controls for emissions of dust and equipment exhaust under SCA AIR-1: *Construction-Related Air Pollution Controls (Dust and Equipment Emissions)* to reduce emissions of criteria air pollutants and TACs during construction. Although not required to mitigate a significant impact, the proposed project would also implement BVDSP Recommended Measure AIR-1 to further reduce construction emissions from architectural coatings. **Table 3**, below, presents the average daily criteria pollutant emissions that would be associated with construction of the proposed project and compares them to the significance thresholds published by BAAQMD in 2017. Overall, the proposed project's emissions of criteria air pollutants during construction would be less than the significance thresholds. Therefore, the proposed project's construction emissions would not result in new significant impacts, or substantially increase the severity of significant impacts identified in the BVDSP EIR or Previous CEQA Documents.

The project's operational emissions generated from mobile on-road sources and on-site area sources, such as natural gas combustion for space and water heating and landscape maintenance, would be less than the significance thresholds. Therefore, the proposed project's operational emissions would not result in new significant impacts, or substantially increase the severity of significant impacts identified in the BVDSP EIR or Previous CEQA Documents.

**TABLE 3
AVERAGE DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS
(pounds per day) WITHOUT MITIGATION**

	ROG	NO _x	Exhaust PM ₁₀	Exhaust PM _{2.5}
Project Construction Emissions	7.3	21.4	1.0	1.0
<i>BAAQMD Considered Construction Threshold</i>	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA

Toxic Air Contaminants (Criterion 2b)

Health Risks from Project Construction to Existing Receptors

Construction emissions associated with the proposed project would not result in a more severe impact than what was previously disclosed in the BVDSP EIR or Previous CEQA Documents. The BVDSP EIR does not indicate that an additional project-level analysis of construction-related health risks is necessary. There is no evidence that the proposed project would have peculiar or unusual impacts or impacts that are new or more significant than previously analyzed in the BVDSP EIR. Moreover, the project site's proximity to sensitive receptors is typical of other project sites in the BVDSP area and other urban areas. Therefore, there would be nothing unique or peculiar about the proposed project's proximity to sensitive receptors.

As stated above, the 1998 LUTE EIR did not quantify or address cumulative health risks from TACs, as such analysis was not required when that EIR was prepared. Similar to the BVDSP EIR, the 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum conservatively determined that impacts from TAC emissions during construction would remain significant and unavoidable. Consequently, the analysis and conclusions of the BVDSP EIR and Previous CEQA Documents are still valid for this proposed project.

Nevertheless, a project-level construction-related health risk assessment (HRA) was conducted to estimate risks to nearby receptors (see Appendix A). The analysis determined that health risk from project construction to nearby receptors would be less than project level significance thresholds with the implementation of subsection (w) of SCA AIR-1, which requires construction equipment to be equipped with Best Available Control Technology and meet the California Air Resources Board's most recent certification standard. In order to comply with subsection (w) of SCA AIR-1, the project applicant would be required to ensure that construction equipment meet Tier 4 Final emissions standards, which can reduce emissions of diesel particulate matter by at least 85 percent relative to equipment without emission control technologies installed.¹³ Beyond SCA AIR-1, there are no additional feasible control measures available to further reduce construction-related diesel particulate matter emissions.

¹³ California Air Resources Board, 2015. *Frequently Asked Questions; Regulation for In-Use Off-Road Diesel-Fueled Fleets*. Revised December.

Health Risks to Project Receptors

The proposed project would introduce new sensitive receptors (residents) to the project site, and is within 1,000 feet of several major roadways with significant traffic (at least 10,000 vehicles per day) and other sources of TACs (backup generators). The proposed project would not include an emergency backup generator. Therefore, there would be no project-related operational sources of TACs that the project or existing receptors would be exposed to.

To assess the impacts of existing and proposed sources of TACs on the proposed project's new residential sensitive receptors, a screening level cumulative analysis was conducted (see SCA AIR-2 in Attachment A as well as Appendix A). Using conservative assumptions, the screening level analysis found that, without mitigation, the cumulative health risks to the project's sensitive receptors from existing and reasonably foreseeable future sources of TACs would not exceed the City's cumulative health risk thresholds for cancer risk, chronic hazard index (HI) and fine particulate matter (PM_{2.5}) concentration. Therefore, cumulative health risks to project receptors would be less than significant.

The project would not include any operational sources of TACs and would therefore not contribute to the cumulative health risks at existing receptors in the vicinity.

To address the possibility of asbestos materials in the existing structures on the site in accordance with SCA AIR-3: *Asbestos in Structures*, the proposed project must comply with all applicable laws and regulations regarding demolition of existing structures. Naturally-occurring asbestos has not been mapped in the project vicinity; therefore, the dust mitigation measures described under the SCA pertaining to naturally-occurring asbestos would not apply to the proposed project.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to air quality that were not identified in the BVDSP EIR or Previous CEQA Documents. The proposed project would be required to implement SCAs related to construction-related emissions controls and development, and, although not required to mitigate a significant impact, a TDM Plan. Applicable SCAs are identified in Attachment A at the end of the CEQA Checklist (SCA AIR-1: *Construction-Related Air Pollution Controls [Dust and Equipment Emissions]*, SCA AIR-2: *Exposure to Air Pollution (Toxic Air Contaminants)*, SCA AIR-3: *Asbestos in Structures*, and SCA TRA-4: *Transportation and Parking Demand Management [TDM] Plan Needed*).

In addition, BVDSP Recommended Measure AIR-1, listed below, would also apply to the proposed project.

Recommended Measure AIR-1: During construction, the project applicant shall require the construction contractor to use prefinished materials and colored stucco, as feasible.

3. Biological Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. 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 Wildlife or U.S. Fish and Wildlife Service;</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;</p> <p>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;</p> <p>Substantially interfere 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;</p>	☒	☐	☐
<p>b. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or</p> <p>Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents identified less-than-significant impacts related to biological resources, with the 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum identifying applicable City of Oakland SCAs. No mitigation measures were necessary.

BVDSP Findings

Special-Status Species, Wildlife Corridors, Riparian and Sensitive Habitat, Wetlands, Tree and Creek Protection (Criteria 3a and 3b)

As described in the BVDSP EIR, the Plan Area is in and is surrounded by a fully developed urban environment, and impacts of development on biological resources under the BVDSP would be less than significant. Few special-status animals are present in the Plan Area, and no aquatic habitats that could support migratory fish or birds are present. In addition, very little natural vegetation exists; and

because this vegetation is not connected to other nearby natural habitats, it would not constitute a wildlife corridor. There are no natural sensitive communities in the Plan Area. The nearest riparian habitat is Glen Echo Creek near Adams Park, where the stream daylight for a short distance before flowing under Grand Avenue and into Lake Merritt. Potential increases in transmittal of hazardous materials from construction activities via runoff from the impermeable surfaces of the site could result in adverse impacts to Glen Echo Creek. The EIR identified landscape trees in the Plan Area as potential nursery sites for nesting birds. In addition, projects developed under the BVDSP could cause harm to birds by increasing bird collisions with buildings.

Development in the Plan Area will be required to comply with SCAs related to removal and replacement of trees, including trees on creekside properties; tree protection during construction; and protection of nesting birds during the breeding season, which would protect natural resources from potential degradation that could result from construction of development projects under the Plan Area. Additionally, certain development in the Plan Area will be required to comply with an SCA pertaining to reducing bird collisions with buildings, which will reduce potential impacts to birds by constructing features in compliance with Best Management Practice strategies to limit bird strikes. SCAs pertaining to landscaping and vegetation management on creekside properties; protection of creeks from construction vibration and dewatering; hazardous materials management; stormwater and erosion control, and construction measures to reduce bird collisions will ensure that development under the BVDSP is in compliance with all aspects of the Creek Protection Ordinance and reduce the potential impacts on water quality, reduce the potential for bird collisions, and minimize potential indirect impacts from pollution in Glen Echo Creek.

Project Analysis and Conclusion

The approximately 1.21-acre project site is located in an urban setting on a site that is fully developed with buildings and surface parking lots. The project site is covered entirely by impervious surfaces. Vegetation includes small shrubs and juniper trees used for landscaping around the perimeter of the large surface parking lot located at the northeastern corner of the project site, as well as the existing street tree on Broadway and 25th Street. The project applicant would be required to adhere to the conditions of SCA BIO-1 and SCA BIO-2 should tree removal be required. The project site is not located adjacent to a creek. Implementation of the proposed project would decrease the amount of impervious surfaces by providing new street trees along all street frontages, landscaped bulbouts on 24th Street, and providing approximately 11,425 square feet of landscaped open space on the podium level.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR and Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that report, nor would it result in new significant impacts related to biological resources that were not identified in the BVDSP EIR or the Previous CEQA Documents. SCAs related to tree removal, tree permits, City of Oakland Tree Protection Ordinance, and construction activity and operations, identified in Attachment A at the end of the CEQA checklist, would apply to the project (SCA BIO-1: *Tree Removal During Bird Breeding Season* and SCA BIO-2: *Tree Permit*).

4. Cultural Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historic Places, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The 1998 LUTE EIR identified potentially significant impacts to historic resources, and identified mitigation measures to reduce the impact to less than significant. The 2011 Redevelopment Plan Amendments EIR, which addresses much of the oldest part of Downtown Oakland, identified a significant and unavoidable impact to historic resources, even with the implementation of mitigation measures. The 2010 General Plan Housing Element Update EIR and its 2014 Addendum identified City of Oakland SCAs pertaining to historic resources, and found a less-than-significant impact. Each of the Prior EIRs identified less-than-significant effects to archaeological and paleontological resources and human remains, specifically with the incorporation of City of Oakland SCAs, except that the 1998 LUTE EIR identified mitigation measures to reduce the effects to archaeological resources to less than significant.

BVDSP Findings

Historical Resources (Criterion 4a)

The BVDSP EIR found that development under the BVDSP could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources, which would be considered a significant impact. The Plan Area contains 20 individual properties, including two in an Area of Primary Importance (API), that are considered historical resources for CEQA purposes.¹⁴ There are also many older buildings that possess architectural merit, either in Areas of Secondary Importance (ASIs) or standing alone, that contribute to the variety and texture of the Plan Area.¹⁵

The EIR identified Mitigation Measure CUL-1 to reduce the impacts to historical resources throughout the Plan Area, as well as the site-specific impacts associated with the demolition of individual historical resources. In addition, the EIR concluded that incompatible new construction immediately adjacent to historical resources, as well as inappropriate reuse of such resources, could result in significant impacts in the Plan Area. Specifically, development on parcels across Webster Street to the northeast of Temple Sinai could extend shadows far enough south to shade the temple's stained-glass windows during the early morning hours, resulting in significant impacts. Even with implementation of Mitigation Measure AES-4, *Shadow Analysis*, described in Section 1 above, Aesthetics, Shadow and Wind, the EIR conservatively determined shadow impacts may remain significant and unavoidable.

The BVDSP EIR determined that significant cumulative impacts to historical resources could result from development of projects under the BVDSP, and identified Mitigation Measure CUL-5, which would require implementation of Mitigation Measure CUL-1. However, even with implementation of Mitigation Measure CUL-5, the EIR determined that cumulative impacts would remain significant and unavoidable.

In addition to the mitigation measures described above, the BVDSP EIR identified Oakland Municipal Code Section 17.136.075, Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties, as well as SCAs related to property relocation instead of demolition, and protection of historic structures from vibration impacts during adjacent construction projects, which will also address impacts to historical resources.

Even with the above mitigation measures and SCAs, impacts to historical resources would remain significant and unavoidable.

Archaeological and Paleontological Resources (Criteria 4b and 4c)

No known archaeological resources have been recorded in the Plan Area; however, the EIR revealed that the Plan Area is potentially sensitive for archaeological and buried sites that are not visible due to urban development. The EIR determined that implementation of an SCA, which would ensure that

¹⁴ Area of Primary Importance is an area or district that appears eligible for the National Register of Historic Places, and is considered a historical resource under CEQA.

¹⁵ Area of Secondary Importance is an area or district that is of local interest, but is not eligible for the National Register of Historic Places and is not considered a historical resource under CEQA.

resources are recovered and that appropriate procedures are followed in the event of accidental discovery, would minimize potential risk of impact to archaeological resources to a less-than-significant level.

The Plan Area was also identified as having low to moderate paleontological sensitivity, and it is possible that fossils would be discovered during excavation in the Plan Area. Implementation of an SCA, which would require a qualified paleontologist to document a discovery, and monitor that appropriate procedures be followed in the event of a discovery, would ensure that the potential impact to fossils discovered in the rock units would be less than significant.

Human Remains (Criterion 4d)

Although the BVDSP EIR did not identify any locations of buried human remains in the Plan Area, the inadvertent discovery of human remains during ground-disturbing activities cannot be entirely discounted. In the event that human remains are discovered during excavation, implementation of an SCA, which would ensure that the appropriate procedures for handling and identifying the remains are followed, would reduce impacts to a less-than-significant level.

Project Analysis and Conclusion

Historic Architectural Resources

The project site is located partially within the boundaries of the National Register-eligible 25th Street Garage District, an identified City of Oakland API. The buildings in this district are predominantly one-story brick and truss-roofed garages built between 1920 and 1929. The district is significant as a concentrated, intact, and homogeneous group of buildings of a distinctive type, dating from a specific period of Oakland's economic development.

There are two buildings on the project site. The Kia/Mitsubishi parts and service center at 2401 Broadway and 437 25th Street. The building at 2401 Broadway is located in the BVDSP and was evaluated in the 2009 BVDSP Historic Resources Inventory. The building at 437 25th Street, however, is located outside the boundary of the BVDSP and therefore was not evaluated as part of the BVDSP EIR analysis. Both buildings have been rated by the Oakland Cultural Heritage Survey (OCHS). Their ratings are as follows: 2401 Broadway (Eb-1*), built in 1913-1914 and 437 25th Street (C1+), built in 1920. The Eb-1* rating indicates that the building is a contingency contributor to the 25th Street Garage District with restoration potential. The C1+ rating indicates that the building is a contributor to the 25th Street Garage District. These ratings qualify the two buildings as historic resources and, as such, an Historic Resource Evaluation (HRE) was conducted. The HRE, conducted by Carey & Co. in August, 2017, is provided as Appendix B and is summarized below.

Under the HRE, 437 25th Street was determined to be a contributor to the 25th Street Garage District and, as such, qualifies as an historic resource under CEQA. As part of the proposed project, the 437 25th Street structure would be retained and a new two-story, 45-foot rooftop addition would be added. According to the findings in the HRE, the proposed façade work and two-story addition to 437 25th Street would not diminish its status as a contributor as the building's character-defining features, including the peaked parapet, large openings, and brick construction, would be preserved.

Under the HRE, 2401 Broadway was determined to be a noncontributor to the 25th Street Garage District. However, the 2401 Broadway building is conservatively considered a CEQA historic resource in the BVDSP EIR historic resources analysis. The BVDSP EIR evaluated development on the 2401 Broadway parcel along with other parcels containing CEQA historic resources, and determined the impact would be significant and unavoidable with implementation of BVDSP Mitigation Measure CUL-1 (see BVDSP Mitigation Measure CUL-1 in Attachment A).

Mitigation Measure CUL-1 includes multiple measures and approaches to reduce impacts to historic resources. Measure CUL-1a, *Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures*, states, "If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*." To comply with CUL-1a (adaptive reuse), the project applicant proposes to retain and rehabilitate the east and south elevations of 2401 Broadway and incorporate these facades into the three- and six-story vertical addition that will be set back slightly from both elevations. The HRE concluded that the Broadway façade would respond to the scale and building forms of the 25th Street Garage District and the proposed project would not impair the ability of the historic district to continue to convey its historic significance. Further, the HRE confirms the proposed project design is in accordance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*.

There are two buildings (444 24th Street and 443 25th Street) located immediately adjacent to the project site that are also contributing resources to the 25th Street Garage District. SCA NOI-7: *Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities* (see Section 10: Noise) would be applicable to the proposed project to address potential direct impacts from construction activities such as excavation undermining existing foundations, construction equipment coming in contact with existing walls, demolition or other construction activities. As a part of implementing this SCA, the project applicant has proposed to prepare a Historic Property Protection Plan in conjunction with construction plans. Prior to the start of the proposed development, the project applicant will hire a historical architect and a structural engineer to undertake an existing condition study of 444 24th Street, 437 25th Street and 443 25th Street.¹⁶ The purpose of the study would be to establish the baseline condition of the buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation would take the form of written descriptions and photographs, and would include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the National Register, California Register, and local register. Implementation of the Historic Property Protection Plan would include:

- a. The historical architect and structural engineer shall monitor the three buildings during construction and any changes to existing conditions would be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the general contractor in charge of construction and a designated representative of the project applicant on a periodic basis. The structural engineer shall consult with the historical architect, especially if any problems with character-defining features of a historic resource are discovered. If, in the opinion of the structural engineer in consultation

¹⁶ Although the building located at 437 25th Street is part of the proposed project, the building will be retained and, as such, will need to be protected from adjacent construction activities.

with the historical architect, substantial adverse effects to historic resources related to construction activities are found during construction, the monitoring team shall inform the general contractor in charge of construction and a designated representative of the project applicant. The project applicant shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The project applicant shall establish the appropriate frequency of monitoring and reporting, which shall reflect the demolition and construction methods and schedule of the project. Site visit reports and documents associated with claims processing shall be provided to the general contractor in charge of construction and a designated representative of the project applicant.

- b. The historical architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from construction, and monitoring and reporting of any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the construction contract, and the construction contract provisions shall be reviewed and approved by the general contractor in charge of construction, by affidavit, and by a designated representative of the project applicant.

This documentation would be reviewed and approved by a designated representative of the project applicant. Compliance with SCA NOI-7: *Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities* (see Section 10: Noise) would ensure that impacts to Historic Architectural Resources would remain equal to or less than those identified in the BVDSP EIR.

Archaeological and Paleontological Resources and Human Remains

The proposed project would result in minimal excavation--approximately 4,000 cubic yards of soil up to a depth of four feet. Based on the Site Mitigation and Contingency Plan prepared for the project site, which explored up to a depth of 24 feet below ground surface, the project site appears to be underlain by interbedded deposits of unconsolidated fine- to coarse-grained soil.¹⁷ As shown in Figure 4.4-1 of the BVDSP EIR, the geology at the project site is primarily Artificial Fill over Bay Mud, as well as some Pleistocene bay terrace deposits and Pleistocene alluvium. The SCAs related to archaeological and paleontological resources and human remains (SCA CUL-1 and SCA CUL-2) would apply to the proposed project and, as outlined in the BVDSP EIR, would reduce any potential impacts to a less-than-significant level.

An examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents considered in this analysis finds that implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to cultural resources that were not identified in the BVDSP EIR or the Previous CEQA Documents. The proposed project would be required to implement SCAs related to the discovery of archaeological and paleontological resources during construction and the discovery

¹⁷ PES Environmental, Inc. 2012. *Site Mitigation and Contingency Plan 2401 Broadway Oakland, California*. January 11.

of human remains during construction, as identified in Attachment A at the end of the CEQA Checklist, along with BVDSP Mitigation Measure and SCAs related to historic resources (BVDSP Mitigation Measure CUL-1: *Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures*, SCA CUL-1: *Archaeological and Paleontological Resources – Discovery During Construction*, SCA CUL-2: *Human Remains – Discovery During Construction*, and SCA NOI-7: *Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities*).

5. Geology, Soils, and Geohazards

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Expose people or structures to substantial risk of loss, injury, or death involving: <ul style="list-style-type: none"> • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; • Strong seismic ground shaking; • Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or • Landslides; 	☒	☐	☐
b. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents identified that impacts to geology, soils, and geohazards would be less than significant, with the 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum identifying applicable City of Oakland SCAs. No mitigation measures were necessary.

BVDSP Findings

Seismic Hazards, Expansive Soils, and Soil Erosion (Criterion 5a and 5b)

The BVDSP EIR determined that very strong ground shaking and associated liquefaction in certain soils could expose people to injury or harm during earthquakes. In addition, the soils in the Plan Area are largely composed of artificial fill material overlying natural deposits of Bay Mud. The northern half of the Plan Area is primarily underlain by streambed deposits. The BVDSP identified the artificial fills and expansive soils underlying the Plan Area as presenting a potential hazard, due to the possibility of shrink-swell behavior and soil compression.

Development proposed under the BVDSP would avoid and minimize potential geologic impacts through compliance with local and state regulations governing design and construction practices, such as the Seismic Hazards Mapping Act (in liquefaction hazard zones) and the California Building Code. Implementation of SCAs that require the preparation of soils and geotechnical reports

specifying generally accepted and appropriate engineering techniques would reduce potential impacts to less-than-significant levels.

The BVDSP EIR identified no impacts related to substantial soil erosion or loss of topsoil, because the Plan Area is in a developed urban area that is paved or landscaped, and served by a storm drain system. In addition, SCAs would minimize erosion and sedimentation.

Project Analysis and Conclusion

The proposed project would excavate of up to 4,000 cubic yards of soil for site grading and to accommodate parking pits required to accommodate stacked vehicle parking in the ground-level garage.¹⁸ Projects within the City that propose to excavate more than 500 cubic yards of soil are required to obtain a grading permit (see SCA GEO-1 in Attachment A). The grading permit would require the proposed project to comply with local and state construction requirements, including the California Building Code, in the design and building of the proposed project.

The site is not within a hazard zone for earthquake-induced landslides, nor is it within a liquefaction hazard zone, as designated on a map prepared by the California Geological Survey.¹⁹ According to the preliminary geotechnical investigation prepared for the proposed project, the main geotechnical concerns include the presence of non-engineered fill, liquefiable soil, shallow groundwater, and potentially compressible soil.²⁰ The proposed project would be required to comply with the requirements of California Building Code, Seismic Hazards Mapping Act, and SCA GEO-2: *Soils Report*, which ensures the implementation of the recommendations from an approved soil report to prevent exposure of people or structures to substantial risk of loss, injury, or death during a large regional earthquake.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents considered in this analysis, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to geology, soils, and geohazards that were not identified in the BVDSP EIR or the Previous CEQA Documents. The BVDSP EIR did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the proposed project. SCAs related to erosion, grading, and sedimentation control would apply, as identified in Attachment A at the end of the CEQA Checklist (SCA GEO-1: *Construction-Related Permit[s]* and SCA GEO-2: *Soils Report*).

¹⁸ The cars will be stacked four high, with three above grade and one below grade.

¹⁹ California Geologic Survey, 2003. *State of California Seismic Hazard Zones, Oakland West Quadrangle Official Map*. Released February 14.

²⁰ ENGEO Incorporated, 2015. *Preliminary Geotechnical Report, 24th Street and Broadway, Oakland, California*. July 28.

6. Greenhouse Gas and Climate Change

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:</p> <ul style="list-style-type: none"> For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO₂e annually AND more than 4.64 metric tons of CO₂e per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds. 	☒	☐	☐
<p>b. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.</p>	☒	☐	☐

Previous CEQA Documents Findings

Climate change and greenhouse gas emissions (“GHG”) were not expressly addressed in the 1998 LUTE EIR. The 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum identified less-than-significant GHG impacts with the incorporation of applicable City of Oakland SCAs. No mitigation measures were necessary.

BVDSP Findings

Greenhouse Gas Emissions (Criterion 6a)

The BVDSP EIR evaluated impacts related to GHG emissions from construction and operation anticipated under the Broadway Valdez Development Program. The EIR identified motor vehicle use, water, gas, electrical use, loss of vegetation, and construction activities as contributing to generation of GHG emissions. Future projects and development implemented under the BVDSP would be required to be consistent with the City of Oakland Energy and Climate Action Plan, and with SCAs that would reduce GHG emissions during construction and operation of projects. Even with implementation of SCAs, the BVDSP EIR conservatively determined that GHG impacts would remain significant and unavoidable.

Consistency with Applicable GHG Plans (Criterion 6b)

The BVDSP EIR determined that development under the Broadway Valdez Development Program would not conflict with any applicable plan, policy or regulation adopted with the intent to reduce GHG emissions. Therefore, the BVDSP EIR determined that the impact related to consistency with applicable plans, policies or regulations to reduce GHG emissions would be less than significant.

Project Analysis and Conclusion

As discussed under the BVPSP EIR, the proposed project would generate GHG emissions from both construction and operation. While mitigation measures were not included in the BVDSP EIR that would apply to the proposed project, it would be required to comply with applicable SCAs that would reduce GHG emissions. Several other City SCAs that would contribute to minimizing potential GHG emissions from construction and operations of development projects would apply to the proposed project; they pertain to alternative transportation facilities (bicycles and BART), construction equipment emissions, transportation demand management, construction waste reduction and recycling, as well as California Green Building Standards. Specifically, these SCAs include, but are not limited to, preparation and implementation of a Transportation and Parking Demand Management Plan (SCA-TRA-4), a Construction and Demolition Waste Reduction and Recycling Plan (SCA-UTIL-1), and construction-related air pollution controls (SCA-AIR-1).

The BVDSP EIR included SCA 38 (referred to as SCA GHG-1 in this document), which requires a GHG Reduction Plan for projects of a certain minimum size that produce total GHG emissions during operations that exceed one or both of the City's established thresholds of significance for land use developments, or involve a stationary source (e.g., backup generator) that produces total GHG emissions that exceed the City's established threshold of significance for stationary sources. A GHG screening analysis was prepared for the proposed project to determine whether a GHG Reduction Plan was required (see Appendix C). The proposed project's GHG emissions from construction and operation were estimated using the most current version of the California Emissions Estimator Model (CalEEMod, version 2016.3.1) and are summarized in **Table 4**.

As shown, the screening analysis determined that the proposed project would exceed the City's thresholds of 1,100 metric tons of CO₂e per year and 4.6 metric tons of CO₂e per service population. The City's threshold requirements to prepare a GHG Reduction Plan to comply with SCA GHG-1 are triggered when **both** thresholds are exceeded. The goal of the GHG Reduction Plan shall be to increase energy efficiency and to reduce GHG emissions to below at least one of the BAAQMD's CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the proposed project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the proposed project, taking into consideration energy efficiencies included as part of the proposed project (including the City's SCAs, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified additional GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG

**TABLE 4
PROPOSED PROJECT GHG EMISSIONS^a**

Project Component	CO₂e^b (metric tons per year)
Area Sources	3.8
Energy Emissions	411.1
Mobile Sources ^c	1436.4
Solid Waste	74.8
Water and Wastewater ^d	13.6
Annualized Construction Emissions (Over 40 Years)	21.5
Less Existing Emissions	- 438
Net Increase	1,523
City of Oakland Screening Threshold	1,100
Exceeds Threshold?	Yes
Service Population (135 residents and 198 employees less an estimated 45 existing employees) ^f	288
Net Project Emissions per Service Population	5.29
City Emissions per Service Population Threshold	4.6
Exceeds Threshold?	Yes

NOTES:

- ^a Project operational emissions estimates were made using CalEEMod version 2016.3.1.
- ^b CO₂e – Carbon dioxide equivalents
- ^c GHG emissions from mobile sources relied on inputs from the Transportation Analysis by Fehr & Peers.
- ^d 20 percent reduction in indoor water use assumed in compliance with CalGreen code.
- ^f The service population is the net number of residents and employees of a project.

reduction measures are being implemented. Implementation of the GHG Reduction Plan during construction and operation of the proposed project would ensure consistency with the City of Oakland’s Energy and Climate Action Plan, as well as the BVDSP. As such, a GHG Reduction Plan has been prepared for the proposed project (see Appendix E). Implementation of the project specific GHG Reduction Plan would reduce proposed project GHG emissions to below 1,325 CO₂e in order achieve the City’s thresholds of 4.6 metric tons of CO₂e per service population.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to GHG and climate change that were not identified in the BVDSP EIR or Previous CEQA Documents. The BVDSP EIR did not identify any mitigation measures related to GHGs, and none are required for the proposed project. An SCA would apply to the proposed project, as identified in Attachment A at the end of the CEQA Checklist (SCA GHG-1).

7. Hazards and Hazardous Materials

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors; Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;	☒	☐	☐
b. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;	☒	☐	☐
c. Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions; or Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents found less-than-significant effects regarding hazards and hazardous materials including risk of upset in school proximity and emergency response/ evacuation plans, with the 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum identifying applicable City of Oakland SCAs. The 1998 LUTE EIR identified mitigation measures to reduce potentially significant effects regarding exposing workers and the public to hazardous substances to less than significant. These mitigation measures are now incorporated into the applicable City of Oakland SCAs.

BVDSP Findings

Hazardous Materials Use, Storage and Disposal and Hazardous Building Materials (Criterion 7a)

The BVDSP EIR determined that development under the BVDSP could result in construction activities that use hazardous materials, as well as ongoing commercial activities that involve the use of chemicals that are considered hazardous materials. Adoption and development under the BVDSP could therefore require the transportation, use, and storage of additional quantities of hazardous materials to new businesses and entities. In addition, the EIR determined that demolition under the BVDSP could result in disturbance of hazardous building materials, such as lead-based paint, asbestos, and polychlorinated biphenyls (PCBs). The transportation, use, and storage of all hazardous materials would be required to follow the applicable laws and regulations adopted to safeguard workers and the general public. In addition, development under the BVDSP would be subject to the City of Oakland's SCAs pertaining to best management practices for hazardous materials and removal of asbestos and lead-based paint.

Exposure to Hazardous Materials in the Subsurface (Criterion 7a)

The BVDSP EIR determined that development under the BVDSP could require excavation for installation of building foundations and underground utilities and that some of the development sites could have had past documented releases of hazardous materials that have contaminated subsurface soils and groundwater or previously unknown releases that may be discovered during excavation activities. Disturbed contaminated soils could expose construction workers and the public to contaminants potentially causing significant adverse health effects. The BVDSP EIR also indicated that a proposed land use change, such as changing a commercial building to a residential building, could require more stringent clean up levels even if the site had been considered remediated or closed based on complying with standards for its current land use. Development under the BVDSP would be subject to the City of Oakland's SCAs pertaining to hazardous materials in the subsurface, including conducting a Phase I Environmental Site Assessment (ESA) and a Phase II ESA, if warranted based on the results of the Phase I ESA; procedures for managing suspected contamination that is encountered unexpectedly during construction activities; preparation of a construction worker health and safety plan; and implementation of best management practices related to hazardous materials management. The BVDSP EIR determined that compliance with these SCAs would reduce the potential impacts related to hazardous materials in the subsurface to a less-than-significant level.

Hazardous Materials within a Quarter Mile of a School (Criterion 7b)

There are no schools in the Plan Area; however, there are five schools or daycare facilities within 0.25 mile of the Plan Area. Development under the BVDSP would be required to comply with the City of Oakland's Ordinances and General Plan Policies, which require hazardous material handlers within 1,000 feet of a school or other sensitive receptor to prepare a Hazardous Materials Assessment Report and Remediation Plan. Additionally, those handling or storing hazardous materials would be required to prepare a Hazardous Materials Management Plan and Hazardous Materials Business

Plan, as required by Alameda County and a City of Oakland SCA; preparation of these plans would reduce impacts to less-than-significant levels.

Emergency Access Routes (Criteria 7c)

The EIR determined that construction under the BVDSP that would result in temporary road closures, which would require traffic control plans to ensure at least two emergency access routes are available for streets exceeding 600 feet in length, per City of Oakland's Ordinances and General Plan Policies. Compliance with all applicable requirements would reduce potential impacts to a less-than-significant level.

Project Analysis and Conclusion

2417 Broadway is on the Cortese list as a Leaking Underground Storage Tank (LUST) cleanup site.²¹ The Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) will be the responsible agency overseeing the necessary steps to obtain LUST case closure. The project applicant will begin that process upon acquisition of the project site. In compliance with the City's SCA HAZ-2: *Site Contamination*, Phase I Environmental Site Assessments (ESAs) and Phase II ESAs were completed for the site as described below.

Two Phase I ESAs prepared for the project site indicated a history of land use including residential uses and commercial/light industrial uses, including auto related uses (i.e., auto service, repair, and sales).^{22,23} These operations handled common hazardous materials such as petroleum hydrocarbons, including gasoline, oil, waste oil, and degreasers and solvents. The Phase I ESAs revealed the following recognized environmental conditions (RECs):

- A LUST case is currently open for documented release of hydrocarbons from two former USTs and two former hydraulic lifts removed in 1994 from 2401 Broadway and 2417 Broadway. The extent of contamination in soil and groundwater has not been defined; and
- Based on documented VOC impacts to groundwater in the vicinity of the project site and the groundwater flow direction, there is the potential for vapor intrusion.

The Phase I ESAs also noted that, based on the construction date of the building(s) on the project site, building materials may contain asbestos, lead-based paint, or PCBs.

A Phase II ESA prepared for the portions of the project site located at 2401 Broadway and 2417 Broadway further investigated subsurface conditions per the RECs revealed in the Phase I ESA.²⁴ Subsurface investigations included sub-slab vapor, soil vapor, soil, and grab groundwater sampling activities at 16 locations. The results of the investigations indicate that there does not appear to be a significant risk to human health or the environment due to the historical release of petroleum

²¹ RWQCB Case #: 01-2416.

²² PES Environmental, 2015. *Phase I Environmental Site Assessment, 2401 Broadway, Oakland, California*, June 11.

²³ PES Environmental, 2015. *Phase I Environmental Site Assessment, 422 24th Street and 437, 422 and 433 25th Street, Oakland California*, July 2.

²⁴ PES Environmental, 2015. *Subsurface Investigation Report and Request for Case Closure, 2401 Broadway, Oakland, California*, August 3.

hydrocarbons from the former USTs and former hydraulic lifts at the site, documented off-site VOC contamination in groundwater, or current and former vehicle repair and maintenance activities conducted at the site. Due to the presence of localized petroleum hydrocarbon impacted soil present on the site, the Phase II ESA recommended that a Site Mitigation and Contingency Plan be prepared to provide for the management and removal of these soils. A Site Management and Contingency Plan provides environmental consultants, construction contractors and workers, the RWQCB, and the project applicant with (see Appendix D):

- Information regarding known environmental conditions at the site, including known and/or suspected soil and groundwater contamination at and beneath the site;
- Protocols for managing soil during site redevelopment activities; and
- Protocols for implementing contingencies to manage contaminated soil or other environmental conditions in the event they are identified during site redevelopment construction.

A Site Mitigation and Contingency Plan was prepared for the proposed project and will be implemented in accordance with SCA HAZ-2.

The results of the supplemental sampling and analysis indicate that soil and soil vapor beneath and surrounding tetrachloroethene- (PCE) impacted sub-slab vapor samples do not appear to be impacted with PCE and the impact to sub-slab vapor appears to be localized or associated with off-site source(s). The Phase II ESA concluded that soil, soil vapor, and groundwater conditions at the project site meet the criteria for LUST case closure in accordance with the State Water Resources Control Board's (SWRCB) Low-Threat Underground Tank Case Closure Policy.

Developments including the proposed project, would be required to follow the applicable laws and regulations related to transportation, use, and storage of all hazardous materials and to safeguard workers and the general public. Development would be subject to the City of Oakland's SCA AIR-3: *Asbestos in Structures* and SCA HAZ-1: *Hazardous Materials Related to Construction*, pertaining to the removal of asbestos-containing materials from structures and implementation of best management practices for hazardous materials during construction, respectively.

SCA HAZ-2 would require the project applicant to prepare and implement a Health and Safety Plan to protect project construction workers from risks associated with exposure to hazardous materials if encountered. The Health and Safety Plan would include, but is not limited to, measures related to personal protective equipment, exposure monitoring, emergency response plan, and a training program. In addition, SCA HAZ-2 would require the implementation of best management practices for the handling of contaminated soil and groundwater discovered during construction activities to ensure their proper storage, treatment, transport, and disposal. Specifically, SCA HAZ-2 would require that all suspect soil be stockpiled on-site in a secure and safe manner and adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility.

SCA HAZ-2 would also require implementation of specific sampling and handling and transport procedures for reuse or disposal in accordance with applicable local, state, and federal requirements. The exact method employed or plan to be implemented is identified in the Site Management Plan, which was prepared by the project applicant, consistent with the Phase II ESA recommendations

described above and requires compliance with identified federal, state or local regulations or requirements and specific performance criteria. Implementation of SCA HAZ-2 will be reviewed, approved, and overseen by the City, and any applicable regulatory agency, as required by law.

The proposed project is located within 0.25 mile of Westlake Middle School. The BVDSP EIR determined that the potential risks related to hazardous materials use in the vicinity of schools would be less than significant given incorporation of SCAs and other existing regulatory requirements. The proposed project would not change the surrounding streets or roadways, or limit emergency access or plans. Any temporary roadway closures required during construction of the proposed project would be subject to City of Oakland review and approval, to ensure consistency with City of Oakland requirements.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to hazards and hazardous materials that were not identified in the BVDSP EIR or the Previous CEQA Documents. SCAs related to asbestos removal; lead-based paint/coatings; PCBs; ESA reports and remediation; health and safety plans; groundwater and soil contamination; and hazardous materials business plans would apply to the proposed project, as identified in Attachment A at the end of the CEQA Checklist (SCA AIR-3: *Asbestos in Structures*, SCA HAZ-1: *Hazardous Materials Related to Construction*, and SCA HAZ-2: *Hazardous Building Materials and Site Contamination*).

8. Hydrology and Water Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Violate any water quality standards or waste discharge requirements; Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters; Create or contribute substantial runoff which would be an additional source of polluted runoff; Otherwise substantially degrade water quality; Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.</p>	☒	☐	☐
<p>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);</p>	☒	☐	☐
<p>c. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems; Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site</p>	☒	☐	☐
<p>d. Result in substantial flooding on- or off-site; Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows; Place within a 100-year flood hazard area structures which would impede or redirect flood flows; or Expose people or structures to a substantial risk of loss, injury, or death involving flooding.</p>	☒	☐	☐

Previous CEQA Documents Findings

The Previous CEQA Documents found less-than-significant impacts related to hydrology or water quality, primarily given required adherence to existing regulatory requirements, many of which are incorporated in the City of Oakland’s SCAs identified as applicable in the 2010 General Plan Housing Element Update EIR and its 2014 Addendum. The 2011 Redevelopment Plan Amendments EIR found less-than-significant effects regarding stormwater and 100-year flood with implementation of applicable City of Oakland SCAs. The 1998 LUTE EIR acknowledged that areas considered under that EIR could potentially occur within a 100-year flood boundary. Adherence to existing regulatory

requirements that are incorporated in the City of Oakland's SCAs would address potentially significant effects regarding flooding. No mitigation measures were warranted.

BVDSP Findings

Water Quality, Stormwater, and Drainages and Drainage Patterns (Criteria 8a and 8c)

The BVDSP EIR determined that development in the Plan Area would result in construction activities that would require ground disturbance, resulting in impacts to hydrology and water quality. The EIR identified several SCAs that would reduce impacts to a less-than-significant level by minimizing runoff and erosion, as well as sedimentation and contamination to stormwater and surface water during construction activities.

Use of Groundwater (Criterion 8b)

Potable water is supplied to the Plan Area through imported surface water by the EBMUD, and groundwater is generally not used in the Plan Area. The Plan Area is primarily developed and covered in impervious surfaces, and the amount of water able to infiltrate the aquifer in the East Bay Plain groundwater basin would not substantially decrease with development under the BVDSP. Additionally, compliance with the C.3 provisions of the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit for the Alameda County Clean Water Program would require that recharge rates at a project site be equivalent to the recharge rate at the site prior to development.

Flooding and Substantial Risks from Flooding (Criteria 8d)

The BVDSP EIR identified the easternmost part of the Plan Area along Glen Echo Creek as being situated in the 100-year flood zone, with the rest of the Plan Area lying outside of the 100-year flood zone. SCAs that require regulatory permits prior to construction in a floodway or floodplain, along with preparation of hydrological calculations that ensure that structures will not interfere with the flow of water or increase flooding, would reduce impacts to less-than-significant levels.

Project Analysis and Conclusion

The project site is currently developed with buildings and paved surface parking lots; impervious surfaces generally cover the entire site, totaling 52,843 square feet (approximately 1.21 acres). The proposed project would reduce the impervious surface area on the project site by adding street trees, and podium-level landscaped courtyard and deck, and by incorporating NPDES C.3 stormwater treatment features (see SCA HYD-3 in Attachment A). Because the site is relatively flat and the amount of impervious surface area would be decreased by the proposed project, the potential for the proposed project to substantially alter drainage patterns or increase the flow of runoff would be less than significant. The project site would be outside of the 100-year flood hazard zone.²⁵

²⁵ Federal Emergency Management Agency, 2009. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Panel 59 of 725, Map Number 06001C0059G. Effective August 3.

Construction activities for the proposed project are expected to occur over approximately 26 months on the 1.21-acre project site and would entail demolition, excavation and shoring, foundation and below-grade construction, construction of the building, finishing interiors and paving. The proposed project would be required to implement SCA related to stormwater, drainages, drainage patterns, and water quality (see SCA HYD-1 and SCA HYD-2 in Attachment A). The project site is underlain by interbedded deposits of unconsolidated fine- to course-grained soil to the maximum explored depth of 24 feet below ground surface (bgs). Groundwater was encountered between approximately 19 to 22.5 feet bgs, with a possible shallow perched saturated zone between approximately 13 to 14 feet bgs at the southwest portion of the project site.²⁶ Based on the depth of groundwater observed during subsurface investigations and the anticipated depth of grading and excavating activities, redevelopment activities may require construction dewatering. However, dewatering during construction would be temporary and have only a localized and short-term effect on groundwater levels. Post-construction dewatering would not be required because the foundation and wall systems below the groundwater table would be waterproofed to prevent infiltration.

Any groundwater dewatering would be limited in duration and would be subject to permits from East Bay Municipal Utility District (EBMUD) or the Regional Water Quality Control Board (RWQCB), depending if the discharge were to the sanitary or storm sewer system. If the water is not suitable for discharge to the storm drain (receiving water), dewatering effluent may be discharged to EBMUD's sanitary sewer system if special discharge criteria are met. These include, but are not limited to, application of treatment technologies or Best Management Practices (BMPs) which will result in achieving compliance with the wastewater discharge limits. Discharges to EBMUD's facilities must occur under a Special Discharge Permit. In addition, per the EBMUD Wastewater Ordinance, "all dischargers, other than residential, whose wastewater requires special regulation or contains industrial wastes requiring source control shall secure a wastewater discharge permit" (Title IV, Section 1). EBMUD also operates its wastewater treatment facilities in accordance with Waste Discharge Requirements issued by the RWQCB, which require rigorous monitoring of effluent to ensure discharges do not adversely impact receiving water quality. Since proper management of dewatering effluent is covered by existing State and local regulations, and implementation of these regulations would protect receiving water quality, the project would be consistent with the BVDSP EIR and Previous CEQA documents.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to hydrology and water quality that were not identified in the BVDSP EIR or the Previous CEQA Documents. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Attachment A at the end of the CEQA Checklist (SCA HYD-1: *Erosion and Sedimentation Control Plan for Construction*, SCA HYD-2: *State Construction General Permit*, and SCA HYD-3: *NPDES C.3 Stormwater Requirements for Regulated Projects*).

²⁶ PES Environmental, 2016. *Site Mitigation and Contingency Plan, 2401 Broadway, Oakland, California*, January 11.

9. Land Use, Plans, and Policies

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Physically divide an established community;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a fundamental conflict between adjacent or nearby land uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents, including the 2011 Redevelopment Plan Amendments EIR and the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, found less-than-significant impacts related to land use, plans, and policies, and no mitigation measures were warranted. The 1998 LUTE EIR, however, identified a significant and unavoidable effect associated with inconsistencies with policies in the Clean Air Plan (resulting from significant and unavoidable increases in criteria pollutants from increased traffic regionally). It identified mitigation measures, which largely align with current City of Oakland SCAs involving Transportation Demand Management (“TDM”), which apply to all projects within the City of Oakland.

BVDSP Findings

Division of Existing Community, Conflict with Land Uses, or Land Use Plans (Criteria 9a through 9c)

The BVDSP EIR determined that adoption and implementation of the BVDSP would have less than significant land use impacts related to the division of an established community, potential conflicts with nearby land uses, or applicable land use plans, policies, and regulations. The Plan Area is in Oakland’s Central Business District, an area intended to promote a mixture of vibrant and unique uses with around-the-clock activity, continued expansion of job opportunities, and growing residential population.

Project Analysis and Conclusion

The General Plan land use designation for 2417 Broadway is Central Business District (CBD) and for 422 24th Street and 437 25th Street, is Community Commercial (CC). The parcel at 2401 Broadway straddles the boundary line of the BVDSP and thus is in both the CBD and CC. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density, mixed-use

urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The intent of the Community Commercial zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The proposed project is consistent with the General Plan land use designations because it will provide a mixed-use development providing residential, hotel and retail uses.

The largest and primary parcel in the project site fronts Broadway and 25th Street and is located within the boundaries of the Plan Area, D-BV-1 (Retail Priority Sites Commercial Zone 1). The parcel to the south, fronting Broadway and 24th Street, straddles the boundary line of the BVDSF and thus is in both the D-BV-1 and Community Commercial (CC-3) Zone. The other two parcels to the east, one fronting 24th and one fronting 25th, are entirely in the CC-3 Zone. The regulatory framework of D-BV-1, which covers Retail Priority Sites under the BVDSF Plan Area, ensures that larger sites and opportunity areas are reserved primarily for new large-scale retail development that is oriented toward consumer goods, at least on the ground floor. Retail Priority Sites in the D-BV-1 zone conditionally permit residential uses with the inclusion of retail uses. The entire project site, including the portion located in the D-BV-1 zone, is also within the 45-foot height area, which limits height and density by the amount of retail square footage being provided. Specifically, to exceed 45 feet in height, and to allow residential uses, projects can receive D-BV-1 Bonuses by providing a minimum retail square footage of 50 percent of the lot area. Conditional Use permits also would be required for Transient Habitation (hotel use) and alcoholic beverage sales associated with the proposed bar at 437 25th Street.

The portion of the project site located in the D-BV-1 zone has a parcel area of approximately 30,265 square feet; based on the retail requirement described above, a minimum of approximately 15,133 square feet of retail would be required. The proposed project would provide 17,439 square feet of retail space on the D-BV-1 parcel, thereby exceeding the Retail Priority Site requirement, and qualifying for a conditionally permitted increase in building height up to 85 feet and development of residential uses.

The CC-3 zoning designation is intended to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. 422 24th Street, the rear portion of 2401 Broadway, and 437 25th Street are located in the CC-3 zone and also in the 45-foot height area. Under Planning Code Sections 17.102.110 and 17.154.060, an extension of the density and land use controls that apply to an adjacent parcel can be extended to these parcels, which would allow the proposed hotel use and an increase in the allowable height. The project applicant is seeking approval of a Conditional use Permit to extend the allowable uses 130 horizontal feet into the CC-3 parcel to allow transient habitation (hotel) uses on the site and Design Review to extend for 30 horizontal feet the allowable height of 85 feet.

Based on the above, the proposed project would be consistent with the land use regulations in the General Plan and BVDSF. Based on an examination of the analysis, findings, and conclusions in the BVDSF EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to land uses, plans, or policies that were not identified in the BVDSF EIR

or the Previous CEQA Documents. No SCAs or mitigation measures related to land use are identified or necessary for the proposed project.

10. Noise

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard; Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose persons to interior L _{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24); Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval (see Figure 1); Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The 2011 Redevelopment Plan Amendments EIR identified less-than-significant effects related to roadway noise and found construction and operational noise impacts would be mitigated to a less-than-significant level with incorporation of SCAs.²⁷ The 2010 General Plan Housing Element Update EIR and its 2014 Addendum identified less-than-significant noise impacts with incorporation of SCAs. The 1998 LUTE EIR identified mitigation measures to address potential noise conflicts between different land uses. Regarding construction noise, the 1998 LUTE EIR identified a significant and unavoidable construction noise and vibration impact in Downtown, even after the incorporation of mitigation measures.

BVDSP Findings

Construction and Operational Noise and Vibration, Exposure of Receptors to Noise (Criteria 10a, 10b, 10d, and 10e)

Overall, the BVDSP EIR determined that impacts related to construction of Broadway Valdez Development Program would be less than significant. Construction-related activities associated with the Broadway Valdez Development Program would temporarily increase ambient noise levels and vibration. Implementation of SCAs would minimize construction noise impacts by limiting hours of construction activities; require best available noise control technology; require vibration monitoring for activities adjacent to historic structures; and require a project applicant and/or its contractors to notify any local residents of construction activities, and to track and respond to noise complaints.

During operations, mechanical equipment used in projects developed under the BVDSP would generate noise; however, equipment would be standardized and would be required to comply with the City of Oakland Noise Ordinance. Potential impacts would be reduced with implementation of SCAs that would require project design to achieve acceptable interior noise levels for buildings; limit ground-borne vibration at the project site; and require mechanical equipment to comply with applicable noise performance standards.

As described in the BVDSP EIR, noise measurements taken at various locations in the Plan Area indicate that the ambient noise environment in the Plan Area would be in the conditionally acceptable category for residential uses, and in the normally acceptable category for commercial uses—except for 24th Street, 25th Street, and Brooks Street in the Plan Area. At these three locations, the noise environment would be in the normally acceptable category for residential uses. The BVDSP EIR identified an SCA that would ensure that project components are appropriately sound-rated to meet land use compatibility requirements throughout the Plan Area.

Traffic Noise (Criterion 10c)

The BVDSP EIR determined that development under the Specific Plan would increase noise levels adjacent to nearby roads due to additional vehicles traveling throughout the Plan Area. The increase

²⁷ The 2011 Redevelopment Plan Amendments EIR also identified significant and avoidable noise effects specifically associated with the potential development of a new baseball stadium at Victory Court, and multimodal safety at at-grade rail crossings, both near the Oakland Estuary. These effects would not pertain to the proposed project given the distance and presumably minimal contribution of multimodal trips affecting these impacts.

in traffic noise from the Existing Plus Project traffic scenario as compared to traffic noise modeled from the Existing (2012) traffic scenario would increase peak-hour noise levels by less than 5 A-weighted decibels (dBA) at all studied roadway segments, with the exception of 24th Street east of Broadway and 26th Street east of Broadway, where the increase in roadside noise would be 6.4 and 5.1 dBA, respectively. In addition, the increase in traffic noise between the Cumulative No Project (2035) and Cumulative Plus Project (2035) scenarios would be 5.3 dBA along 24th Street east of Broadway, and 4.9 dBA along 26th Street east of Broadway.

The cumulative increases in traffic-generated noise could also combine with stationary noise sources, such as rooftop mechanical equipment and back-up generators, to result in significant cumulative impacts. The EIR determined that no feasible mitigation measures are available, and that these impacts would remain significant and unavoidable.

Project Analysis and Conclusion

Project Construction

Construction activities for the proposed project are expected to occur over approximately 26 months, and would entail demolition, excavation and shoring, foundation and below-grade construction, construction of the building, finishing interiors and paving. The foundation of the proposed project would be constructed using a mat slab and no pile driving is anticipated. The proposed project is in the vicinity (within 200 feet) of other proposed projects including 2424 Webster Street and 2500 Webster Street. Construction schedules of these projects are currently unknown and construction activities for the proposed project and these other projects may occur simultaneously. Regardless, construction of the proposed project along with other cumulative development is consistent with the type of development anticipated in the BVDSP EIR and the Previous CEQA Documents. The proposed project would not be anticipated to substantially increase the level of significance of the construction noise impact identified in the BVDSP EIR or Previous CEQA Documents, nor result in a new significant construction noise impact. In addition, the proposed project would be required to implement SCA NOI-1: *Construction Days/Hours* to limit the days and hours of construction, SCA NOI-2: *Construction Noise* and SCA NOI-3: *Extreme Construction Noise* to ensure the application of noise reduction measures to reduce noise impacts and extreme construction noise, and SCA NOI-4: *Construction Noise Complaints* to provide measures to respond to and track construction noise complaints (if any). In addition, as the proposed project would be adjacent to two structures designated historic, the SCA pertaining to effects of vibration during construction on adjacent historic structures (SCA NOI-7: *Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities*) would also apply to the proposed project.

Project Operation

The amount of new residential development proposed currently in the Plan Area exceeds that assumed by the Broadway Valdez Development Program, but the trips generated by those new proposed developments is less than what was assumed because the amount of retail and office uses currently proposed are well below the BVDSP EIR assumptions. The amount of traffic generated by the proposed project is within the traffic generation parameters analyzed in the BVDSP EIR, as described below in Section 13, Transportation and Circulation. As such, the proposed project is

within the envelope of the Broadway Valdez Development Program analyzed in the BVDSP EIR, and would be consistent with the BVDSP EIR.

A project would be considered to generate a significant impact if it were to result in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The threshold for a considerable contribution to a significant cumulative impact is 3 dBA permanent increase in ambient noise levels. In the BVDSP EIR, modeled Existing Plus Project traffic noise levels and Cumulative Plus Project noise levels were compared with modeled Existing traffic noise levels (2012) as the baseline. Using this conservative methodology, the impact from increased traffic noise and cumulative traffic noise in the Plan Area along 24th Street *east* of Broadway was identified as significant and unavoidable in the BVDSP EIR. This method of analysis is conservative because the actual noise environment includes other, non-vehicle sources that may result in a higher ambient noise levels. Monitored noise levels capture noise from traffic as well as other sources of ambient noise and reveal a noisier existing noise environment / baseline and thus a smaller net increase when projected traffic noise is added to those baseline noise levels.²⁸ The proposed project would be located along 24th Street *west* of Broadway. Therefore, a more specific review considering monitored existing ambient noise levels in the project vicinity, as described below, reveal that the BVDSP EIR significant and unavoidable impact for roadway and cumulative noise would not apply to the project site.

The project site is located approximately 40 feet from the nearest sensitive receptors across 24th Street to the south of the project site. The City also considers cumulative noise from all sources—mobile and stationary. During operation, the proposed project would generate noise from heating, ventilating, and air conditioning (HVAC) mechanical equipment, increased traffic from additional trips associated with the residential, hotel and retail components of the proposed project, including truck deliveries. HVAC equipment would operate within the restrictions of the City's Noise Ordinance. Chapter 17.120.050 of the City of Oakland Planning Code specifies the maximum sound level received at residential, public open spaces and commercial land uses. This restriction can be used in combination with the predicted roadway noise level for these streets to estimate a worst-case prediction of cumulative noise increase from both stationary and roadway noise sources. Using year Cumulative Plus Project (2035) traffic data estimated for the BVDSP, future cumulative noise levels were estimated from increased traffic along 24th and 25th Streets. Using the Federal Highway Administration (FHWA) Traffic Noise Prediction Model future (2035) traffic noise during the PM peak traffic hour along 24th Street and 25th Street are estimated to be 61.0 and 58.8 dBA Leq, respectively. Adding the cumulative traffic noise levels for 24th and 25th Streets to a stationary noise source operating at the upper allowable limit of the City's noise ordinance (60 dBA), results in cumulative noise levels of 63.5 and 62.5 dBA at 24th Street and 25th Street, respectively.

These predicted cumulative noise levels may be compared to the existing monitored noise levels along these streets to estimate the cumulative increase in noise that would be experienced. Existing street-side noise levels were monitored by Charles Salter Associates in August of 2016 and found to be 61 dBA along both 24th Street and 25th Street. Therefore, the cumulative increase in noise levels are predicted

²⁸ The BVDSP EIR also compared modeled cumulative noise levels (traffic and stationary sources combined) with actual monitored noise levels as the baseline noise environment but only in specific areas with existing sensitive receptors and not in the immediate project vicinity.

to be 2.5 dBA (63.5 dBA-61 dBA) along 24th Street and 1.5 dBA (62.5 dBA – 61 dBA) along 25th Street. These increases are less than 5 dbA above existing monitored noise levels and would be considered less than significant as well as less than cumulatively considerable (less than a 3 dBA increase) if all of the increase were attributable to the proposed project, which it is not as cumulative traffic includes that generated by other projects.

Therefore, using the more accurate monitored ambient noise levels around the project site as the baseline for existing noise, and adding the BVDSP cumulative noise levels (stationary noise sources in combination with Cumulative Plus Project [2035] traffic noise), reveals that the net increase in noise levels in the project vicinity are below project-level and cumulative level thresholds of 5 dBA and 3 dBA respectively. Therefore, the significant impacts for roadway noise and cumulative noise identified in the BVDSP EIR would not apply to the project site or vicinity. In addition, the proposed project would be required to implement SCA NOI-5: *Exposure to Community Noise* to ensure acceptable indoor noise levels within project buildings and SCA NOI-6: *Operational Noise*, which would require all operational noise to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. The proposed project is not located in the vicinity of any sources of vibration to which the residents of the new dwelling units would be exposed.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents, and since the proposed project is consistent with Broadway Valdez Development Program analyzed in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to noise that were not identified in the BVDSP EIR or the Previous CEQA Documents. The BVDSP EIR did not identify any mitigation measures related to noise, and none would be necessary for the proposed project. The proposed project would be required to implement SCAs to reduce construction noise and vibration, achieve interior noise standards, reduce vibration impacts to adjacent historic structures, and require mechanical equipment to meet applicable noise performance standards presented on page 4.10-12 in BVDSP EIR. Related SCAs are provided in Attachment A at the end of the CEQA Checklist (SCA NOI-1: *Construction Days/Hours*, SCA NOI-2: *Construction Noise*, SCA NOI-3: *Extreme Construction Noise*, SCA NOI-4: *Construction Noise Complaints*, SCA NOI-5: *Exposure to Community Noise*, SCA NOI-6: *Operational Noise*, and SCA NOI-7: *Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities*.)

11. Population and Housing

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element; or Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Previous CEQA Documents Findings

The Previous CEQA Documents, including the 2011 Redevelopment Plan Amendments EIR and the 2010 General Plan Housing Element Update EIR and its 2014 Addendum, found less-than-significant impacts related to population and housing, as well as employment. The 1998 LUTE EIR identified mitigation measures to address unanticipated employment growth (compared to regional ABAG projections), and no other mitigation measures were warranted.

BVDSP Findings

Population Growth and Displacement of Housing and People (Criteria 11a and 11b)

The BVDSP EIR determined that impacts related to population growth and displacement of housing and people would be less than significant. Development under the BVDSP would add up to 1,800 housing units and 3,230 residents to the Plan Area.²⁹ This would represent approximately two percent of the total population growth projected for Oakland through 2035, and would not be considered substantial. Although adoption and development under the BVDSP could require the demolition of existing housing units, existing regulations such as Housing Element policies, the Ellis Act (Government Code Sections 7060 through 7060.7), and the City of Oakland's Ellis Act Ordinance (Oakland Municipal Code Sections 8.22.400 through 8.22.480) would prevent significant impacts.

²⁹ As shown in Table 7, there are 2,802 net new housing units, approximately 146,000 gross square feet of net new commercial uses, and 159 net new hotel rooms constructed and/or proposed for development under the BVDSP to date. The BVDSP EIR allows for the distribution of density and development type between categories and sub-areas as long as such development conforms to the general traffic generation parameters established by the Plan.

Project Analysis and Conclusion

The proposed project would demolish portions of the existing buildings and surface parking lots and construct a new mixed-use building with 159 hotel rooms, up to 72 residential units, and up to 27,200 square feet of commercial space. The proposed project would not demolish or displace any existing housing units.

The proposed project would result in a net increase of approximately 135 new residents and approximately 198 jobs.³⁰ This is within the envelope of the Development Program analyzed in the BVDSP EIR and within the development parameter envisioned by the Previous CEQA Documents.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to population and housing that were not identified in the BVDSP EIR or the Previous CEQA Documents. The BVDSP EIR did not identify any mitigation measures or SCAs related to population and housing, and none would be required for the proposed project.

³⁰ The BVDSP EIR assumed approximately 1.87 residents per dwelling unit. Net jobs are calculated using a standard generation rate of 500 square feet per employee, and account for jobs eliminated due to the removal of existing uses.

12. Public Services, Parks and Recreation Facilities

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
<p>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:</p> <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; or • Other public facilities. 	☒	☐	☐
<p>b. 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; or</p> <p>Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.</p>	☒	☐	☐

Previous CEQA Documents Findings

The 2011 Redevelopment Plan Amendments EIR found less-than-significant impacts related to public services and recreational facilities; no mitigation measures were warranted nor City of Oakland SCAs identified. The 2010 General Plan Housing Element Update EIR and its 2014 Addendum identified less-than-significant public services and recreation impacts with the exception of impacts related to police and fire protection, which were found to be less than significant with incorporation of SCAs and mitigation measures identified in the 1998 LUTE EIR. The 1998 LUTE EIR identified a significant and unavoidable impact for fire safety, with mitigation measures pertaining to the North Oakland Hills area; the 1998 LUTE EIR also identified a significant and unavoidable impact regarding increased student enrollment, particularly in Downtown (and the Waterfront), and identified mitigation measures that would not reduce the effect to less than significant. Thus the impact was significant and unavoidable.³¹

³¹ The 1998 LUTE EIR addressed effects on solid waste demand and infrastructure facilities for water, sanitary sewer and stormwater drainage under *Public Services*. These topics are addressed in this document under *14. Utilities and Service Systems*, consistent with current City approach.

BVDSP Findings

Public Services and Parks and Recreation (Criteria 12a and 12b)

The BVDSP EIR determined that impacts related to fire and police protection, schools, and other public facilities would be less than significant. Although development under the BVDSP would increase density and population in the Plan Area, any corresponding increase in crime and need for police protection would likely be counteracted by the revitalization of the area, as envisioned by the BVDSP. The EIR identified SCAs that would reduce the potential impacts related to the increased need for fire protection by requiring all projects to implement safety features, and to comply with all applicable codes and regulations. Adherence to the General Plan's Open Space, Conservation and Recreation Element policies 3.1, 3.3, and 3.10 would reduce potential impacts to recreational facilities. In addition, any increases in need for police protection, fire protection, schools, or other public facilities would be mitigated by adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2. No additions or expansions of parks or recreational facilities are proposed under the BVDSP, and no new parks or recreational facilities, or expansion of existing parks or recreational facilities, were determined to be required under the BVDSP.

Project Analysis and Conclusion

The proposed project would add a 159-room hotel, up to 72 residential units, and up to 27,200 square feet of retail space. The proposed project is within envelope of the Development Program, trip generation, and traffic capacity (see Section 13. Transportation and Circulation, below) analyzed in the BVDSP EIR and within the development parameter envisioned by the Previous CEQA Documents. Therefore, the proposed project's increase in demand for public services is consistent with the BVDSP EIR as well as the Previous CEQA Documents.

The proposed project would increase student enrollment at local schools. Pursuant to Senate Bill 50, the project applicant would be required to pay school impact fees, which are established to offset potential impacts from new development on school facilities. This would be deemed full and complete mitigation. The proposed project could also cause a minor increase in demand for police and fire protection services; however, as described in the BVDSP EIR, adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2 would mitigate potential impacts.

As described above, no new parks or recreational facilities, nor expansion of existing parks or recreational facilities, would be required. In total, approximately 6,000 square feet of common open space would be included in the proposed project. The open space that would be provided is consistent with the requirements of the BVDSP and the Planning Code to meet recreational demands associated with development of residential units.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to the provision of public services or park and recreational facilities that were not identified in the BVDSP EIR and the Previous CEQA Documents. The BVDSP EIR did not identify any mitigation

measures or SCAs related to public services or park and recreational facilities, and none would be required for the proposed project.

13. Transportation and Circulation

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
c. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Cause substantial additional vehicle miles traveled (VMT) per capita, per service population, or other appropriate efficiency measure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On September 21, 2016, the City of Oakland’s Planning Commission directed staff to update the City of Oakland’s California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with draft proposed guidance from the Governor’s Office of Planning and Research and the City’s approach to transportation impact analysis with adopted plans and policies related to transportation, which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.

Thus, this Section evaluates the impacts of the proposed project with respect to VMT. In addition, consistent with previous developments proposed under the BVDSP, this Section also evaluates the consistency of the proposed project with the approved BVDSP EIR and identifies the BVDSP EIR mitigation measures that the proposed project would trigger.

For the purposes of transportation analysis, the proposed project is assumed to include a 159-room hotel, 72 residential units, and up to 27,200 square feet of retail.

Vehicle Miles Travelled (VMT)

Many factors affect travel behavior, including density of development, diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development that is located at a great distance from other land uses, in areas with poor access to non-single occupancy vehicle travel modes generate more automobile travel compared to development

located in urban areas, where a higher density of development, a mix of land uses, and travel options other than private vehicles are available.

Considering these travel behavior factors, most of Oakland has a lower VMT per capita and VMT per employee ratios than the nine-county San Francisco Bay Area region. In addition, some neighborhoods of the City have lower VMT ratios than other areas of the City.

Estimating VMT

Neighborhoods within Oakland are expressed geographically in transportation analysis zones, or TAZs. The Metropolitan Transportation Commission (MTC) Travel Model includes 116 TAZs within Oakland that vary in size from a few city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in lower density areas in the hills. TAZs are used in transportation planning models for transportation analysis and other planning purposes.

The MTC Travel Model is a model that assigns all predicted trips within, across, or to or from the nine-county San Francisco Bay Area region onto the roadway network and the transit system, by mode (single-driver and carpool vehicle, biking, walking, or transit) and transit carrier (bus, rail) for a particular scenario.

The travel behavior from MTC Travel Model is modeled based on the following inputs:

- Socioeconomic data developed by the Association of Bay Area Governments (ABAG);
- Population data created using 2000 US Census and modified using the open source PopSyn software;
- Zonal accessibility measurements for destinations of interest;
- Travel characteristics and automobile ownership rates derived from the 2000 Bay Area Travel Survey; and
- Observed vehicle counts and transit boardings.

The daily VMT output from the MTC Travel Model for residential and office uses comes from a tour-based analysis. Based on guidance provided in the City of Oakland's interim guidelines, hotels are treated as residential land use for the purpose of VMT screening. The tour-based analysis examines the entire chain of trips over the course of a day, not just trips to and from the project site. In this way, all of the VMT for an individual resident or employee is included; not just trips into and out of the person's home or workplace. For example: a resident leaves her apartment in the morning, stops for coffee, and then goes to the office. In the afternoon she heads out to lunch, and then returns to the office, with a stop at the drycleaners on the way. After work she goes to the gym to work out, and then joins some friends at a restaurant for dinner before returning home. The tour-based approach would add up the total amount driven and assign the daily VMT to this resident for the total number of miles driven on the entire "tour".

Based on the MTC Travel Model, the regional average daily VMT per capita is 15.0 under 2020 conditions and 13.8 under 2040 conditions, and the regional average daily VMT per worker is 21.8 under 2020 conditions and 20.3 under 2040 conditions.

Thresholds of Significance

According to the interim *Update to CEQA Thresholds of Significance and Transportation Impact Study Guidelines* dated October 17, 2016, the following are thresholds of significance related to substantial additional VMT:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent. This would include hotel projects, as hotels are treated as residential land uses for the purposes of VMT screening.
- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent.
- For retail projects, a project would cause a net increase in VMT.

VMT impacts would be less than significant for a project if any of the identified screening criteria are met:

1. **Small Projects:** The project generates fewer than 100 vehicle trips per day;
2. **Low-VMT Areas:** The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15 percent or more below the regional average; or
3. **Near Transit Stations:** The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop and satisfies the following:³²
 - Has a Floor Area Ratio (FAR) of more than 0.75;
 - Does not include more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site); and
 - Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission).

VMT Screening Analysis

The proposed project satisfies the Low-VMT Area (number 2) and Near Transit Station (number 3) screening criteria, as detailed below.

³² Major transit stop is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Criterion Number 1: Small Projects

The project would generate more than 100 trips per day and therefore does not meet criterion number 1.

Criterion Number 2: Low-VMT Area

The proposed project is located in TAZ 979. As shown in **Table 5**, 2020 and 2040 VMT for TAZ 979 are more than 15 percent below the regional average. Based on the guidance provided in the City of Oakland’s interim guidelines, hotels are treated as residential land use for the purpose of VMT screening. Thus, the hotel and residential components of the proposed project would not result in substantial additional VMT. In addition, because the proposed project would provide less than 80,000 square feet of retail space, the retail use is considered to be local-serving and is presumed not to generate substantial additional VMT.

**TABLE 5
DAILY VEHICLE MILES TRAVELED SUMMARY**

Land Use	Bay Area				TAZ 979	
	2020		2040		2020	2040
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%		
Residential (VMT per Capita) ¹	15.0	12.8	13.8	11.7	5.3	5.0
Commercial (VMT per Worker) ²	21.8	18.5	20.3	17.3	17.0	14.9

¹ MTC Model results at analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita and accessed in November 2016.

² MTC Model results at analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerWorker and accessed in November 2016.

SOURCE: Fehr & Peers, 2016

Criterion Number 3: Near Transit Stations

The proposed project would be located about 0.5 miles from the 19th Street BART Station and is served by several frequent bus routes. The proposed project is adjacent to frequent bus service along Broadway (Route 51A with 10 minute peak headways), about 0.2 miles from Telegraph Avenue (Route 6 with 10 minute peak headways), and about 0.5 miles from 20th Street (Routes 72, 72M, and 72R, with 10 to 12 minute peak headways). The proposed project would satisfy Criterion number 3 because it would also meet the following three conditions for this criterion:

- The proposed project has an FAR greater than 0.75
- According to the City of Oakland Municipal Code Sections 17.116.060 and 17.116.080, the proposed project is required to provide a minimum of 184 parking spaces.³³ The project

³³ Required parking was estimated assuming approximately 40,789 square feet of retail and hotel space on the ground floor (40,789/600 = 68 spaces), approximately 79,984 square feet of retail and hotel space (79,984/1000 = 80 spaces), and 72 residential units (72/2 = 36 spaces), for a total required 184 spaces.

applicant is seeking a Conditional Use Permit to use shared parking to satisfy the required parking minimum. Therefore, with a proposed 129 parking spaces, proposed project would provide fewer parking spaces than the minimum required by the City. Since the proposed project would provide fewer spaces than required by the Code, it would not provide more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more parking than required by the City.

- The proposed project is located within the Downtown Priority Development Area (PDA) as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy

VMT Screening Conclusion

The proposed project would satisfy the Low-VMT Area (number 2) and the Near Transit Stations (number 3) Criteria and is therefore presumed to have a less-than-significant impact on VMT.

Consistency with BVDSP EIR

While the City now relies on VMT as their CEQA Thresholds of Significance, the threshold for determining consistency with the BVDSP EIR is based on conformity with transportation and circulation assumptions.³⁴ For this reason, this section of the CEQA Checklist summarizes the proposed project's consistency with the BVDSP EIR based on a transportation analysis completed for the proposed project. The analysis is provided in two parts below, as follows: the first part describes the BVDSP EIR analysis related to transportation and circulation impacts; the second part compares the proposed project's impacts to those analyzed in the EIR, determines the need for additional analysis of project study intersections to supplement the EIR analysis, and identifies EIR impacts and mitigation measures that would be triggered by the proposed project combined with other planned developments. While only a portion of the project site is located in the BVDSP Plan Area and analyzed under the BVDSP EIR, for purposes of this analysis and to be conservative, the entire project is analyzed even though a portion of it is not covered by the BVDSP EIR.

BVDSP EIR Analysis

The BVDSP EIR analyzed transportation and circulation conditions in and around the Plan Area under six different scenarios, which represent three time periods (existing conditions, Year 2020, and Year 2035) with and without the Broadway Valdez Development Program and transportation improvements. For the purposes of this analysis, these scenarios are referred to as: 1) existing conditions; 2) existing conditions plus full Development Program (full buildout of the Broadway Valdez Development Program); 3) Year 2020 no project; 4) Year 2020 plus Phase 1 of Development Program (partial buildout of the Development Program); 5) Year 2035 no project; and 6) Year 2035 plus full Development Program (full buildout of the Development Program).

³⁴ Due to the change in CEQA Thresholds from LOS to VMT, proposed project consistency with the transportation impacts identified in the Previous CEQA Documents is irrelevant. The proposed project's traffic impacts were evaluated using the VMT Screening and the impacts were determined to be less-than-significant. Proposed project consistency with the transportation impacts identified in BVDSP EIR is required because transportation and circulation assumptions for the basis for consistency with the BVDSP Development Program.

As noted in the EIR, the Broadway Valdez Development Program represents the reasonably foreseeable development expected to occur in the next 20 to 25 years in the Plan Area. The Specific Plan and the EIR intend to provide flexibility in the location, amount, and type of development. Therefore, the traffic impact analysis in the EIR does not assign land uses to individual parcels; rather, land uses are distributed to five subdistricts within the Plan Area. Thus, as long as the trip generation for each subdistrict and the overall Plan Area remain below the levels estimated in the EIR, the traffic impact analysis presented in the EIR continues to remain valid.

The thresholds of significance for the BVDSP EIR were based on vehicle level of service (LOS). The EIR identified 29 significant impacts related to LOS at intersections serving the Plan Area. The BVDSP EIR also identified 22 mitigation measures (Mitigation Measures TRAN-1 through TRAN-6, TRAN-9 through TRAN-12, TRAN-13 through TRAN-16, TRAN-21 through TRAN-26, TRAN-28, and TRAN-29). For each impact and associated mitigation measure(s), the EIR identified specific triggers based on the level of development in the entire Plan Area or specific subdistrict(s). Several of these impacts and mitigation measures would be triggered by the proposed project combined with other planned developments. These impacts and mitigation measures are further described below.

The BVDSP EIR identified SCAs that require city review and approval of all improvements in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, which will also address transportation and circulation impacts.

BVDSP EIR Consistency Analysis

For purposes of this analysis, it is assumed that the entire project site is located within the BVDSP Plan Area. The analysis below looks specifically at the proposed project's consistency with the BVDSP EIR. The trip generation for the proposed project is summarized below in **Table 6**. The trip generation accounts for the trips generated by the existing uses at the site that would be eliminated. The proposed project is estimated to generate approximately 63 net new vehicle trips during the weekday AM peak hour (27 inbound and 36 outbound) and approximately 99 net new vehicle trips during the weekday PM peak hour (55 inbound and 44 outbound).

Analysis of Proposed Project and Other Projects that are in Development under the Broadway Valdez Development Program Analyzed in the BVDSP EIR

The development projects within BVDSP Plan Area that have been constructed, are currently under construction, approved, and/or proposed, including the proposed project are included in **Table 7**. Table 7 also accounts for existing uses on each site that would be demolished.

**TABLE 6
2401 BROADWAY AUTOMOBILE TRIP GENERATION**

Land Use	Units ¹	ITE Code	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
				In	Out	Total	In	Out	Total
Proposed Project									
Hotel	159 RM	310 ²	1,300	50	34	84	48	47	95
Residential	72 DU	220 ³	440	7	30	37	29	16	45
Retail	27.2 KSF	820 ⁴	1,160	16	10	26	48	53	101
Subtotal			2,900	73	74	147	125	116	241
Non-Auto Reduction (-43%) ⁵			-1,250	-31	-32	-63	-54	-50	-104
<i>Total New Project Trips</i>			1,650	42	42	84	71	66	137
Existing Uses									
Auto Dealership	15.5 KSF	841 ⁶	500	23	7	30	16	25	41
Retail	7.1 KSF	820 ⁴	300	4	3	7	12	14	26
Subtotal			800	27	10	37	28	39	67
Non-Auto Reduction (-43%) ⁵			-340	-12	-4	-16	-12	-17	-29
<i>Total Existing Trips</i>			460	15	6	21	16	22	38
Net New Project Trips			1,190	27	36	63	55	44	99

¹ RM = Room, DU = Dwelling Units, KSF = 1,000 square feet.
² ITE Trip Generation (9th Edition) land use category 310 (Hotel):
Daily: T = 8.17*(X)
AM Peak Hour: T = 0.53*(X) (59% in, 41% out)
PM Peak Hour: T = 0.60*(X) (51% in, 49% out)
³ ITE Trip Generation (9th Edition) land use category 220 (Apartments):
Daily: T = 6.65*(X)
AM Peak Hour: T = 0.51*(X) (20% in, 80% out)
PM Peak Hour: T = 0.62*(X) (65% in, 35% out)
⁴ ITE Trip Generation (9th Edition) land use category 820 (Shopping Center):
Daily: T = 42.7 * X
AM Peak Hour: T = 0.96* X (62% in, 38% out)
PM Peak Hour: T = 3.71* X (48% in, 52% out)
⁵ Reduction of 43.0% assumed. Based on City of Oakland Transportation Impact Study Guidelines using BATS 2000 data for development in an urban environment within 0.5 miles of a BART Station.
⁶ ITE Trip Generation (9th Edition) land use category 841 (Automobile Sales):
Daily: T = 32.30 * X
AM Peak Hour: T = 1.92* X (75% in, 25% out)
PM Peak Hour: T = 1.91 (X) + 23.74 (40% in, 60% out)

SOURCE: Fehr & Peers, 2016.

**TABLE 7
DEVELOPMENTS IN THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN**

Development	BVDSP Subdistrict	Status	Proposed Development ¹				Active Existing Uses ²	Net Development ^{1,3}				
			Residential (DU)	Retail (KSF)	Office (KSF)	Hotel (Room)		Residential (DU)	Retail (KSF)	Office (KSF)	Hotel (Room)	Other (KSF)
3001 Broadway (Sprouts)	5	Constructed	0	36.0	0	0	Parking Lot	0	36.0	0	0	0
2345 Broadway (HIVE)	1	Constructed	105	30.3	64.0	0	11.4 KSF Auto Repair and 30.2 KSF Warehouse	105	94.3	30.3	64.0	-41.6
2425 Valdez St.	3	Constructed	71	1.5	0	0	Parking Lot	71	1.5	0	0	0
3093 Broadway	5	Under Construction	423	20.0	0	0	40.2 KSF Auto Dealership	423	-20.2	0	0	0
2302 Valdez St.	2	Under Construction	196	31.5	0	0	3.6 KSF Auto Repair	196	31.5	0	0	-3.6
2270 Broadway	1	Approved	223	5.0	0	0	Parking Lot	223	5.0	0	0	0
2315 Valdez/2330 Webster St.	1	Approved	235	16.0	0	0	Parking Lot	235	16.0	0	0	0
2630 Broadway	3	Under Construction	255	37.5	0	0	Parking Lot/ Vacant	255	37.5	0	0	0
3416 Piedmont Ave.	5	Approved	6	1.5	0	0	Vacant Lot	6	1.5	0	0	0
2400 Valdez St.	2	Under Construction	224	23.5	0	0	Parking Lot	224	23.5	0	0	0
3000 Broadway	5	Approved	127	8.0	0	0	3 Dwelling Units, 8.8 KSF Restaurant, and 10.2 KSF Auto Repair	124	-0.8	0	0	-10.2
2820 Broadway	4	Approved	218	18.0	0	0	42.2 KSF Auto Dealership	218	-24.2	0	0	0
24th and Harrison	2	Approved	437	65.0	0	0	55.2 KSF Auto Dealership, 5.3 KSF Auto Repair, and 3.25 KSF Fitness Center	437	6.6	0	0	-5.3
2305 Webster St	1	Proposed	130	3.0	0	0	Parking Lot	130	3.0	0	0	0
3300 Broadway	5	Proposed	45	3.0	0	0	5.5 KSF Retail	45	-2.5	0	0	0
2500 Webster	3	Proposed	30	6.4	0	0	6.3 KSF Auto Dealership	30	0.1	0	0	0
2424 Webster	3	Proposed	0	10.0	48.8	0	12.5 KSF Retail	0	-2.5	48.8	0	0
2401 Broadway	3	Proposed	72	27.2	0	159	15.5 KSF Auto Dealership, and 7.1 KSF Retail	72	4.5	0	159	0
Total			2,797	343.2	112.8	159		2,794	146.6	112.8	159	-60.7

¹ DU = dwelling units, ksf = 1,000 square feet, RM = room

² Consists of active uses at the time the BVDSP EIR was prepared.

³ Retail and non-retail uses (such as auto repair and warehouses) are presented separately because the non-retail uses generate fewer trips than typical retail uses.

SOURCE: City of Oakland, November 2016.

The total amount of development constructed, currently under construction, approved, and/or proposed with the Development Program Buildout assumptions used in the BVDSP EIR for the Plan Area (Subdistricts 1 through 5), the Valdez Triangle subarea (Subdistricts 1 through 3) and Subdistrict 3 for the proposed project is then compared in **Table 8**.

**TABLE 8
DEVELOPMENT COMPARISON WITHIN THE PLAN AREA,
VALDEZ TRIANGLE, AND SUBDISTRICT 3**

	Residential (DU)	Retail (KSF)	Office (KSF)	Hotel (Rooms)
Plan Area (Subdistricts 1 through 5)				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	2,794	146.6	112.8	159
Development Program Buildout ²	1,797	1,114.1	694.9	180
Percent Completed	155%	13%	16%	88%
Valdez Triangle (Subdistricts 1 through 3)				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	1,978	156.8	112.8	159
Development Program Buildout ²	965	793.5	116.1	180
Percent Completed	205%	19%	97%	88%
Subdistrict 3				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	428	41.1	48.8	159
Development Program Buildout ²	40	251.4	116.1	0
Percent Completed	1,070%	16%	42%	NA

NOTES: DU = dwelling units, KSF = 1,000 square feet.

¹ Information from City of Oakland, November 2016. Accounts for existing active uses that would be eliminated.

² Based on Table 4.13-7 on page 4.13-37 of BVDSP Draft EIR.

SOURCE: Fehr & Peers, 2016.

Finally, the trip generation associated with the proposed project to trip generation in the Plan Area (Subdistricts 1 through 5), the Valdez Triangle subarea (Subdistricts 1 through 3), and Subdistrict 3 is compared in **Table 9**.

Trips generated by the proposed project, together with trips generated by other projects that are constructed, currently under construction, approved, or proposed for development in the Plan Area, would represent approximately 48 percent of the AM and 50 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Plan Area, 81 percent of the AM and 72 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle subarea, and 94 percent of the AM and 70 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3.

**TABLE 9
TRIP GENERATION COMPARISON**

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Plan Area (Subdistricts 1 through 5)						
Constructed, Development Projects Approved, Proposed, or Under Construction ¹	266	692	952	1,051	813	1,864
Development Program Buildout ²	1,152	829	1,981	1,702	2,007	3,709
Percent Completed	23%	83%	48%	62%	40%	50%
Proposed 2401 Broadway Project	27	36	63	55	44	99
Project compared to Development Program Buildout	2%	4%	3%	3%	2%	3%
Valdez Triangle (Subdistricts 1 through 3)						
Constructed, Development Projects Approved, Proposed, or Under Construction ¹	221	505	726	795	641	1,435
Development Program Buildout ²	457	442	899	1,013	993	2,006
Percent Completed	48%	114%	81%	78%	65%	72%
Proposed 2401 Broadway Project	27	36	63	55	44	99
Project compared to Development Program Buildout	6%	8%	7%	5%	4%	5%
Subdistrict 3						
Constructed, Development Projects Under Construction, Approved, or Proposed	107	133	240	209	202	411
Development Program Buildout ²	178	77	255	265	325	590
Percent Completed	60%	172%	94%	79%	62%	70%
Proposed 2401 Broadway Project	27	36	63	55	44	99
Project compared to Development Program Buildout	15%	47%	25%	21%	14%	17%

¹ Based on application of the BVDSP trip generation model with the developments shown in Table 6, and accounting for the trips generated by existing uses that would be eliminated.

² Based on Table 4.13-10 on page 4.13-43 of the BVDSP EIR.

SOURCE: Fehr & Peers, 2017.

The exceedance in the AM peak hour would not create new or more significant impacts to intersection operations beyond those identified as having a significant impact, as discussed in the following section. At signalized intersections in the immediate vicinity of the project site, the project would also not cause additional impacts beyond those analyzed in the BVDSP EIR, nor would it increase the magnitude of the impacts identified in the BVDSP EIR.

Traffic Impacts at BVDSP EIR Intersections

The BVDSP EIR identifies 28 significant impacts at intersections that serve the Plan Area. It also identifies the specific level of development in the Plan Area and/or each subdistrict that would trigger each impact and its associated mitigation measure(s). Impacts are triggered when a certain percentage of overall project buildout is met. The following are the traffic impacts identified in the BVDSP EIR, the reason the impacts are triggered, and the associated mitigation measures.

1. The proposed project, combined with other projects that are under construction, approved, or proposed for development in the Plan Area, would trigger **Impact TRANS-2** under existing plus-project conditions (and also **Impact TRANS-7** under 2020 plus-project conditions and **Impact TRANS-17** under 2035 plus-project conditions) at the Perry Place/I-580 eastbound ramps/Oakland Avenue intersection because these projects, when combined, would generate more than 15 percent of the total traffic generated by the Broadway Valdez Development Program.

Mitigation Measure TRANS-2 in the BVDSP EIR includes the following improvements at this intersection:

- Optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic) for the PM peak hour, and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of the California Department of Transportation (Caltrans), so any equipment or facility upgrades must be approved by Caltrans prior to installation.

The BVDSP EIR determined that, if implemented, the mitigation measure would mitigate the significant impact at this intersection. However, it is not certain whether this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. The City of Oakland, as lead agency, does not have jurisdiction at this intersection; the mitigation would need to be approved and implemented by Caltrans. Therefore, the BVDSP EIR considered the impact significant and unavoidable.

2. The proposed project, combined with other projects that are under construction, approved, or proposed for development in the Plan Area, would trigger **Impact TRANS-5** under existing plus-project conditions (and also **Impact TRANS-11** under 2020 plus-project conditions and **Impact TRANS-25** under 2035 plus-project conditions) at the 23rd Street/Broadway intersection because these projects, when combined, would generate more than 65 percent of the total traffic generated by the Broadway Valdez Development Program in the Valdez Triangle (Subdistricts 1, 2, and 3).

Mitigation Measure TRANS-5 in the BVDSP EIR includes the following improvements at this intersection:

- Signalize the intersection providing actuated operations, with permitted left turns on all movements
- Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group

The BVDSP EIR determined that, if implemented, the mitigation measure would reduce the impact to a less-than-significant level.

3. The proposed project, combined with other projects that are under construction, approved, or proposed for development in the Plan Area, would trigger **Impact TRANS-10** under 2020 plus-project conditions (and also **Impact TRANS-24** under 2035 plus-project conditions) at the 27th Street/24th Street/Bay Place/Harrison Street intersection because these projects, when combined, would generate more than 10 percent of the total traffic generated by the Broadway Valdez Development Program.

Mitigation Measure TRANS-10 in the BVDSP EIR includes the following improvements at this intersection:

- Reconfigure the 24th Street approach at the intersection to restrict access (i.e., right turns only from 27th Street to 24th Street) and create a pedestrian plaza at the intersection approach;
- Convert 24th Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24th Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection;
- Modify the eastbound 27th Street approach from the current configuration (i.e., one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes;
- Realign pedestrian crosswalks to shorten pedestrian crossing distances;
- Reduce the length of the signal cycle from 160 to 120 seconds and optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic); and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group.

The BVDSP EIR determined that, if implemented, the mitigation measure would reduce the magnitude of the impact but would not mitigate the impact to a less-than-significant level. Therefore, the BVDSP EIR considered the impact significant and unavoidable.

4. The proposed project, combined with other projects that are under construction, approved, or proposed for development in the Plan Area, would trigger **Impact TRANS-22** under 2035 plus-project conditions at the 27th Street/Broadway intersection because these projects, when combined, would generate more than 30 percent of the total traffic generated by the Broadway Valdez Development Program.

Mitigation Measure TRANS-22 in the BVDSP EIR includes the following improvements at this intersection:

- Upgrade traffic signal operations at the intersection to actuated coordinated;
- Reconfigure the westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane;
- Provide protected left-turn phases for the northbound and southbound approaches;
- Optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic); and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group.

The BVDSP EIR determined that, if implemented, the mitigation measure would reduce the magnitude of the impact but would not mitigate the impact to a less-than-significant level. Therefore, the BVDSP EIR considered the impact significant and unavoidable.

According to the BVDSP EIR, the project applicant would fund the cost of preparing and funding these mitigation measures. However, because the City of Oakland adopted a citywide Transportation Impact Fee (TIF) program, the project applicant shall pay the applicable TIF to mitigate project impacts.

Additional Study Intersections

The *City of Oakland Transportation Impact Study Guidelines* require analysis of project impacts at intersections adjacent to the project site, signalized and all-way stop-controlled intersections where the project would add 50 or more peak hour trips, and side-street stop-controlled intersections where the project would add ten or more trips to the stop-controlled approach. The BVDSP EIR analyzed the four intersections adjacent to the site (24th and 25th Streets at Broadway and Telegraph), and the proposed project would not add 50 or more peak hour trips to signalized or all-way stop-controlled intersections, or add ten or more peak hour trips to the stop-controlled approach of side-street stop-controlled intersections in the vicinity that were not analyzed in BVDSP EIR. Therefore, analysis of additional intersections beyond the ones analyzed in the BVDSP EIR is not needed. Overall, the proposed project would not result in impacts on traffic operations at the intersections beyond the ones identified in the BVDSP EIR. In addition, the proposed project also would not increase the magnitude of the impacts identified in the BVDSP EIR.

BVDSP EIR Consistency Conclusion

The combined trip generation for projects that are currently approved, proposed, or under construction in the Plan Area, the Valdez Triangle, and Subdistrict 3 including the proposed project, remains lower than the estimated trip generation in the BVDSP EIR under the Broadway Valdez Development Program for those areas. Although the outbound trip generation during the weekday AM peak hour for the Valdez Triangle and Subdistrict 3 would exceed the estimate for the Broadway Valdez Development Program in the BVDSP EIR, the exceedance is not expected to cause additional significant impacts beyond the ones identified in the BVDSP EIR.

Additionally, the proposed project would not result in significant impacts to the intersections not analyzed in the BVDSP EIR. Therefore, the proposed project would not cause additional impacts beyond the locations analyzed in the EIR; nor would the proposed project increase the magnitude of the impacts identified in the EIR. In addition, based on an evaluation of the project site plan and the transportation network serving the project site, this transportation analysis determined that the proposed project would not result in any significant impacts to vehicle access and circulation, bicycle access and bicycle parking, pedestrian access and circulation, and transit access, consistent with the findings of the BVDSP EIR.

Although not required to address CEQA impacts, the proposed project would implement the following recommended improvement measures.

Recommendation TRA-1: Although not required to address a CEQA impact, the following should be considered as part of the final design of the project:

- Ensure that the project driveway on 24th and 25th Streets would provide adequate sight distance between motorists exiting the driveway and pedestrians on the adjacent

sidewalk.³⁵ This may require redesigning and/or widening the driveway. If adequate sight distance cannot be provided, consider providing audio and/or visual warning devices at the driveway.

- To ensure adequate sight distance for motorists entering and exiting the garage driveway, prohibit on-street parking within 20 feet on either side of the garage driveways on Webster Street.

Project Analysis and Conclusion

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to transportation and circulation that were not identified in the BVDSP EIR or the Previous CEQA Documents. The proposed project combined with other projects under construction, approved, and proposed for development in the Plan Area, would trigger and be required to implement BVDSP Mitigation Measures through payment of the citywide TIF program, as described above. The proposed project would also be required to implement SCAs related to city review and approval of all improvements proposed in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, as identified in Attachment A, at the end of the CEQA Checklist (SCA TRA-1: *Construction Activity in the Public Right-of-Way*, SCA TRA-2: *Bicycle Parking*, SCA TRA-3: *Transportation Improvements*, and SCA TRA-4: *Transportation and Parking Demand Management*). Finally, as stated above, the proposed project would satisfy the Low-VMT Area (number 2) and the Near Transit Stations (number 3) Criteria and is therefore presumed to have a less-than-significant impact on VMT.

³⁵ Sight distance is dependent on each specific location; typically, adequate sight distance is defined as a clear line-of-sight between a motorist ten feet back from the sidewalk and a pedestrian ten feet away on each sides of the driveway.

14. Utilities and Service Systems

Would the project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board; Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects; Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects;	☒	☐	☐
b. Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects;	☒	☐	☐
c. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects; Violate applicable federal, state, and local statutes and regulations related to solid waste;	☒	☐	☐
d. Violate applicable federal, state and local statutes and regulations relating to energy standards; or Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.	☒	☐	☐

Previous CEQA Documents Findings

The 2011 Redevelopment Plan Amendments EIR and 2010 General Plan Housing Element Update EIR and its 2014 Addendum found less-than-significant impacts related to water, wastewater, or stormwater facilities, solid waste, and energy, finding no mitigation measures were warranted but requiring adherence to certain City of Oakland SCAs. The 1998 LUTE EIR identified significant

effects regarding these topics and identified mitigation measures that reduced the effects to less than significant.

BVDSP Findings

Water, Wastewater, and Stormwater (Criteria 14a and 14b)

As described in the BVDSP EIR, EBMUD has accounted for the water demand projections associated with development under the BVDSP; and the BVDSP EIR determined that development under the BVDSP would not require new water supply entitlements, resources, facilities, or expansion of existing facilities beyond those already planned, and that impacts related to water supplies would be less than significant.

The BVDSP EIR also determined that development under the BVDSP would have less-than-significant impacts related to stormwater and wastewater facilities. Much of the Plan Area is composed of impervious surfaces, and new development would likely decrease storm-drain runoff, because proposed projects would be required to incorporate additional pervious areas through landscaping, in compliance with City of Oakland requirements.

On the other hand, development projects may increase sewer capacity demand. Implementation of SCAs requiring stormwater control during and after construction would address potential impacts on stormwater treatment and sanitary sewer infrastructure.

Solid Waste Services (Criterion 14c)

As described in the BVDSP EIR, impacts associated with solid waste would be less than significant. Nonhazardous solid waste in the Plan Area is ultimately hauled to the Altamont Landfill and Resource Facility. The Altamont Landfill would have sufficient capacity to accept waste generated by development under the BVDSP. In addition, implementation of an SCA pertaining to waste reduction and recycling would reduce waste through compliance with the City of Oakland's Recycling Space Allocation Ordinance (Oakland Municipal Code, Chapter 17.118).

Energy (Criterion 14d)

Development under the BVDSP would result in less-than-significant impacts related to energy standards and use. Developments would be required to comply with the standards of Title 24 of the California Code of Regulations. SCAs pertaining to compliance with the green building ordinance would require construction projects to incorporate energy-conserving design measures.

Project Analysis and Conclusion

The BVDSP allows for flexibility with respect to the quantity and profile of future development within each subarea and between subareas as long as such development conforms to the general traffic generation parameters established by the Plan. The Broadway Valdez Development Program is not intended to be a cap that restricts development. As shown in Table 1, the proposed project would provide more dwelling units and hotel rooms than contemplated for Valdez Triangle Subdistrict 3 (72 residential units instead of 40 residential units, and 159 hotel rooms instead of

zero).³⁶ The proposed project's 27,200 square feet of commercial use would be well below the 251,398 square feet identified in the Broadway Valdez Development Program. This difference, however, represents minor net changes in the Development Program in terms of environmental impacts because the proposed project conforms to the traffic generation parameters analyzed in the BVDSP EIR, as described above in Section 13, Transportation and Circulation, above. As such, the proposed project is within the envelope of the Broadway Valdez Development Program analyzed in the BVDSP EIR. Therefore, water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy associated with the proposed project, are consistent with the Broadway Valdez Development Program analyzed in the BVDSP EIR.

All on-site utilities would be designed in accordance with applicable codes and current engineering practices. However, the proposed project would pay a sewer mitigation fee, which would either contribute to the cost of replacing pipes for the local collection system to increase capacity or be used to perform inflow and infiltration rehabilitation projects outside of the Plan Area, as described in the BVDSP EIR.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR and the Previous CEQA Documents, implementation of the proposed project would not substantially increase the severity of previously identified significant impacts or result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR or the Previous CEQA Documents. The proposed project would be required to implement SCAs related to construction and demolition waste reductions and recycling, underground utilities, recycling collection and storage space, "green" building requirements, a sanitary sewer system, and the storm drain system, as identified in Attachment A at the end of the CEQA checklist (SCA UTIL-1: *Construction and Demolition Waste Reduction and Recycling*, SCA UTIL-2: *Underground Utilities*, SCA UTIL-3: *Recycling Collection and Storage Space*, SCA UTIL-4: *Green Building Requirements*, and SCA UTIL-5: *Sanitary Sewer System*, SCA UTIL-6: *Storm Drain System*).

³⁶ Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

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ATTACHMENT A

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 2401 Broadway Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "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 SCAMMRP lists mitigation measures ("MM") recommended in the BVDSP EIR and identifies mitigation monitoring requirements. The SCAMMRP also lists other City's Standard Conditions of Approval ("SCA") that apply to the proposed project, most of which were identified in the BVDSP EIR and some of which have been subsequently updated or otherwise modified by the City. Specifically, on July 22, 2015, the City of Oakland released a revised set of all City of Oakland SCAs, which largely still include SCAs adopted by the City in 2008, along with supplemental, modified, and new SCAs. SCAs are measures that would minimize potential adverse effects that could result from implementation of the proposed project, to ensure the conditions are implemented and monitored. The revised set of the City of Oakland SCAs includes new, modified, and reorganized SCAs; however, none of the revisions diminish or negate the ability of the SCAs considered "environmental protection measures" to minimize potential adverse environmental effects. As such, the SCAs identified in the SCAMMRP reflect the current SCAs only. Although the SCA numbers listed below may not correspond to the SCA numbers in the BVDSP EIR, all of the environmental topics and potential effects addressed by the SCAs in the BVDSP EIR are included in this SCAMMRP (as applicable to the proposed project). This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

All MMs and SCAs identified in the CEQA Analysis, which is consistent with the measures and conditions presented in the BVDSP EIR, are included herein. To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column identifies the SCA and MM applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the Project.

- The third column names the party responsible for monitoring the required action for the Project.

The project applicant is responsible for compliance with any recommendations in approved technical reports, with all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16): Graffiti Control</p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ol style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ol style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 	Ongoing.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA AES-2 (Standard Condition of Approval 17): Landscape Plan</p> <p>a. Landscape Plan Required</p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p> <p>b. Landscape Installation</p> <p>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.</p> <p>c. Landscape Maintenance</p> <p>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.</p>	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit. b. Prior to building permit final. c. Ongoing 	<ol style="list-style-type: none"> a. City of Oakland Bureau of Planning and Building b. City of Oakland Bureau of Building Services Division, Zoning Inspections c. City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow, and Wind (cont.)		
<p>SCA AES-3 (Standard Condition of Approval 18): Lighting Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 19): Construction-Related Air Pollution Controls (Dust and Equipment Emissions) The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:</p> <ul style="list-style-type: none"> a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. Pave all roadways, driveways, sidewalks, etc., as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f. Limit vehicle speeds on unpaved roads to 15 miles per hour. g. Idling times 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 natural gas. 	During construction.	City of Oakland Bureau of Planning and Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>k. 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.</p> <p>l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>o. 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.</p> <p>p. 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.</p> <p>q. 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.</p> <p>r. 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.</p> <p>s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>t. 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.</p> <p>u. 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.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>x. Off-road heavy diesel engines shall meet the California Air Resources Board’s most recent certification standard.</p> <p>y. 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.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>SCA AIR-2 (Standard Condition of Approval 20): <i>Exposure to Air Pollution (Toxic Air Contaminants)</i></p> <p>a. Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). 	<p>a. Prior to approval of construction-related permit.</p> <p>b. ongoing</p>	<p>a. City of Oakland Bureau of Planning and Building; City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. City of Oakland Bureau of Building Services Division, Zoning Inspections</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<ul style="list-style-type: none"> • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> – Installing electrical hook-ups for diesel trucks at loading docks. – Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. – Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. – Prohibiting trucks from idling for more than two minutes. – Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p>NOTE: This measure has been implemented by the project applicant and no further action is required.</p>		
<p>SCA AIR-3 (Standard Condition of Approval 23): Asbestos in Structures</p> <p><u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction
See SCA TRA-4, Transportation and Parking Demand Management Plan . See <i>Transportation and Circulation</i> , below.		
Biological Resources		
<p>SCA BIO-1 (Standard Condition of Approval 26): Tree Removal During Bird Nesting Season</p> <p>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</p>	Prior to removal of trees.	City of Oakland Public Works Department, Tree Division; Bureau of Buildings

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>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.</p>		
<p>SCA BIO-2 (Standard Condition of Approval 27): Tree Permit</p> <p>a. Tree Permit Required</p> <p>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.</p> <p>b. Tree Protection During Construction</p> <p><u>Requirement:</u> 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:</p> <ol style="list-style-type: none"> i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project’s consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project’s consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project’s consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project’s consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. 	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit b. During construction. c. Prior to building permit final. 	<ol style="list-style-type: none"> a. City of Oakland Public Works Department, Tree Division; Bureau of Buildings b. City of Oakland Public Works Department, Tree Division; Bureau of Buildings c. <i>Initial Approval:</i> Public Works Department, Tree Division <i>Monitoring/Inspection:</i> Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project’s consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved.</p> <p>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.</p> <p>vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p>c. Tree Replacement Plantings</p> <p><u>Requirement:</u> 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:</p> <p>i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City’s Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant’s expense.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources		
<p>SCA CUL-1 (Standard Condition of Approval 29): <i>Archaeological and Paleontological Resources – Discovery During Construction</i></p> <p><u>Requirement:</u> 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 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.</p> <p>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.</p> <p>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.</p>	During construction.	City of Oakland Bureau of Building Services Division
<p>SCA CUL-2 (Standard Condition of Approval SCA 31): <i>Human Remains – Discovery During Construction</i></p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during 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 arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
See SCA NOI-7, <i>Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</i> . See <i>Noise</i> , below.		
<p>BVDSP Mitigation Measure CUL-1:</p> <p>a) <i>Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</i></p> <ul style="list-style-type: none"> <i>Avoidance.</i> The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i>. <i>Appropriate Relocation.</i> If avoidance or adaptive reuse <i>in situ</i> is not feasible, SCA 56, <i>Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)</i>, shall be implemented, as required. Projects that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district. <p>b) <i>Future Site-specific Surveys and Evaluations.</i></p> <p>Although the Plan Area has been surveyed by the City of Oakland's OCHS and as part of the Broadway Valdez Specific Plan effort by ESA in 2009, evaluations and ratings may change with time and other conditions. There may be previously unidentified historical resources which would be affected by future development activities. For any future projects on or immediately adjacent to buildings 50 years old or older between 2013 and 2038, which is the build-out horizon for the Specific Plan (i.e., by the end of the Plan period, buildings constructed prior to 1988), the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the <i>Secretary of the Interior's Standards</i>. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future development activities avoid, adaptively reuse and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above. Site-specific surveys and evaluations that are more than 5 years old shall be updated to account for changes which may have occurred over time.</p> <p>c) <i>Recordation and Public Interpretation.</i></p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) is determined infeasible as part of a future project, the City shall evaluate the feasibility and appropriateness of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p>	Prior to issuance of a demolition permit	City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
<ul style="list-style-type: none"> <i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service’s Historic American Building Survey (HABS) program, which requires photo-documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at the Oakland Planning Department and local repositories, such as public libraries, historical societies, and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area, including those that are relocated pursuant to measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource. <i>Public Interpretation.</i> A public interpretation or art program would be developed by a qualified historic consultant or local artist in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area. Photographic recordation and public interpretation of historically significant properties does not typically mitigate the loss of resources to a less-than-significant level [CEQA Section 15126.4(b)(2)]. <p>d) Financial Contributions. If measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and measure “b” (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicant shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Plan Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or a Property Relocation Assistance Program. This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure “c” (Recordation and Public Interpretation), would not reduce the impacts to less-than-significant levels.</p>		
Geology, Soils, and Geohazards		
<p>SCA GEO-1 (Standard Condition of Approval 33): Construction-Related Permit(s) <u>Requirement:</u> 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.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Geology, Soils, and Geohazards (cont.)		
<p>SCA GEO-2 (Standard Condition of Approval 34): Soils Report</p> <p><u>Requirement:</u> 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.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Greenhouse Gases and Climate Change		
<p>SCA GHG-1 (Standard Condition of Approval 38): Greenhouse Gas (GHG) Reduction Plan</p> <p>a. Greenhouse Gas (GHG) Reduction Plan Required</p> <p><u>Requirement:</u> The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below <u>at least one</u> of the Bay Area Quality Management District’s (BAAQMD’s) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population). The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a “business-as-usual” scenario with no consideration of project design features, or other energy efficiencies, (b) an “adjusted” baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City’s Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified <u>additional</u> GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD’s latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General’s website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of “carbon credits”) as explained below.</p> <p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p> <p>c. Ongoing.</p>	<p>a. City of Oakland Bureau of Planning and Building</p> <p>b. City of Oakland Bureau of Planning and Building</p> <p>c. City of Oakland Bureau of Planning and Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Greenhouse Gases and Climate Change (cont.)		
<p>City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project’s operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p style="padding-left: 40px;">For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p> <p>b. <i>GHG Reduction Plan Implementation During Construction</i></p> <p><u>Requirement:</u> The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval. These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).</p> <p>c. <i>GHG Reduction Plan Implementation After Construction</i></p> <p><u>Requirement:</u> The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.</p> <p>The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.</p> <p>Annual Report. Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (“Annual Report”), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City’s choosing, to be paid for by the project applicant.</p> <p>The Annual Report shall summarize the project’s implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year’s Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Greenhouse Gases and Climate Change (cont.)		
<p>The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City’s discretion, as discussed below.</p> <p>Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (“Corrective GHG Action Plan”). The project applicant shall then implement the approved Corrective GHG Action Plan.</p> <p>If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project’s approvals should be revoked, altered or additional conditions of approval imposed.</p> <p>The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the “adjusted” baseline.</p> <p>In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.</p> <p>The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.</p> <p>Timeline Discretion and Summary. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.</p>		
See SCA AES-2, andscape Plan . See <i>Aesthetics, Wind, and Shadow</i> , above.		
See SCA AIR-1, Construction-Related Air Pollution Controls (Dust and Equipment Emissions) . See <i>Air Quality</i> , above.		
See SCA UTIL-1, Construction and Demolition Waste Reduction and Recycling . See <i>Utilities and Service Systems</i> , below.		
See SCA UTIL-4, Green Building Requirements . See <i>Utilities and Service Systems</i> , below.		
See SCA TRA-4, Transportation and Parking Demand Management Plan . See <i>Transportation and Circulation</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 39): <i>Hazards Materials Related to Construction</i></p> <p><u>Requirement:</u> 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:</p> <ol style="list-style-type: none"> Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils; Properly dispose of discarded containers of fuels and other chemicals; Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. 	<p>During construction.</p>	<p>City of Oakland Bureau of Building Services Division, Zoning Inspections</p>
<p>SCA HAZ-2 (Standard Condition of Approval 40): <i>Hazardous Building Materials and Site Contamination</i></p> <p>a. Hazardous Building Materials Assessment</p> <p><u>Requirement:</u> The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p>	<ol style="list-style-type: none"> Prior to approval of construction-related permit Prior to approval of construction-related permit Prior to approval of construction-related permit During Construction 	<ol style="list-style-type: none"> City of Oakland Bureau of Building Services Division, Zoning Inspections Applicable regulatory agency with jurisdiction City of Oakland Bureau of Building Services Division, Zoning Inspections City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hazards and Hazardous Materials (cont.)		
<p>b. Environmental Site Assessment Required</p> <p><u>Requirement:</u> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>c. Health and Safety Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.</p> <p>d. Best Management Practices (BMPs) Required for Contaminated Sites</p> <p><u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ol style="list-style-type: none"> i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements. ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building. 		
See SCA AIR-5, Asbestos in Structures . See <i>Air Quality</i> , above.		
Hydrology and Water Quality		
<p>SCA HYD-1 (Standard Condition of Approval 45): Erosion and Sedimentation Control Plan for Construction</p> <p>a. Erosion and Sedimentation Control Plan Required</p> <p><u>Requirement:</u> 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,</p>	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit. b. During construction. 	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality (cont.)		
<p>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.</p> <p>b. Erosion and Sedimentation Control During Construction</p> <p><u>Requirement:</u> The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p>		
<p>SCA HYD-2 (Standard Condition of Approval 46): State Construction General Permit.</p> <p><u>Requirement:</u> 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.</p>		
<p>SCA HYD-3 (Standard Condition of Approval 50): NPDES C.3 Stormwater Requirements for Regulated Projects</p> <p>a. Post-Construction Stormwater Management Plan Required</p> <p><u>Requirement:</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:</p> <ul style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. 	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit. b. Prior to building permit final. 	<ul style="list-style-type: none"> a. City of Oakland Bureau of Building Services Division, Zoning Inspections; City of Oakland Bureau of Planning and Building b. City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality (cont.)		
<p>b. Maintenance Agreement Required</p> <p><u>Requirement:</u> 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:</p> <ol style="list-style-type: none"> i. 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 ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>		
Noise		
<p>SCA NOI-1 (Standard Condition of Approval 58): Construction Days/Hours</p> <p><u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ol style="list-style-type: none"> a. 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. b. 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. c. No construction is allowed on Sunday or federal holidays. <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non- enclosed area.</p> <p>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.</p>	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>SCA NOI-2 (Standard Condition of Approval 59): Construction Noise</p> <p><u>Requirement:</u> 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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <ol style="list-style-type: none"> b. Applicant shall use temporary power poles instead of generators where feasible. c. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. d. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented. 	<p>During construction.</p>	<p>City of Oakland Bureau of Building Services Division, Zoning Inspections</p>
<p>SCA NOI-3 (Standard Condition of Approval 60): Extreme Construction Noise</p> <p>a. Construction Noise Management Plan Required</p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), 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 impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; 	<ol style="list-style-type: none"> a. Prior to approval of construction-related permit. b. During construction. 	<p>City of Oakland Bureau of Building Services Division, Zoning Inspections</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p>b. Public Notification Required</p> <p><u>Requirement:</u> 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.</p> <p>SCA NOI-4 (Standard Condition of Approval 62): Construction Noise Complaints</p> <p><u>Requirement:</u> 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:</p> <ol style="list-style-type: none"> Designation of an on-site construction complaint and enforcement manager for the project; 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; 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. 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA NOI-5 (Standard Condition of Approval 63) Exposure to Community Noise</p> <p><u>Requirement:</u> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>SCA NOI-6 (Standard Condition of Approval 64): <i>Operational Noise</i></p> <p><u>Requirement:</u> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA NOI-7 (Standard Condition of Approval 66): <i>Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</i></p> <p><u>Requirement:</u> 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 damage the structure and/or substantially interfere with activities located at 444 24th Street and 443 25th Street. 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.</p>	Prior to construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Transportation and Circulation		
<p>BVDSP TRA Mitigation Measures</p> <p>All the mitigation measures identified in the BVDSP EIR are included in the citywide Transportation Impact Fee (TIF). Therefore, the project applicant shall mitigate the project impacts by paying the required TIF.</p>		
<p>SCA TRA-1 (Standard Condition of Approval 68): <i>Construction Activity in the Public Right-of-Way</i></p> <p>a. Obstruction Permit Required</p> <p><u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.</p> <p>b. Traffic Control Plan Required</p> <p><u>Requirement:</u> In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.</p> <p>c. Repair of City Streets</p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. Public Works Department, Transportation Services Division</p> <p>c. City of Oakland Bureau of Building Services Division, Zoning Inspections</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>SCA TRA-2 (Standard Condition of Approval 69): Bicycle Parking</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA TRA-3 (Standard Condition of Approval 70): Transportation Improvements.</p> <p>The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <ol style="list-style-type: none"> a. 2070L Type Controller with cabinet accessory b. GPS communication (clock) c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required) g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) 	Prior to building permit final or as otherwise specified	Bureau of Building; Public Works Department, Transportation Services Division

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor</p> <p>p. Signal timing plans for the signals in the coordination group</p>		
<p>SCA TRA-4 (Standard Condition of Approval 71): <i>Transportation and Parking Demand Management</i></p> <p>a. <i>Transportation and Parking Demand Management (TDM) Plan Required</i></p> <p><u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project. • Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> – Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR – Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City’s transportation system, consistent with City policies and programs. <p>ii. TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. 	<p>a. Prior to building permit final.</p> <p>b. Prior to building permit final</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning and Building</p> <p>b. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>c. City of Oakland Bureau of Planning and Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<ul style="list-style-type: none"> Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). Guaranteed ride home program for employees, either through 511.org or through separate program. Pre-tax commuter benefits (commuter checks) for employees. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. Distribution of information concerning alternative transportation options. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. Parking management strategies including attendant/valet parking and shared parking spaces. Requiring tenants to provide opportunities and the ability to work off-site. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. <p>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p>b. TDM Implementation – Physical Improvements <u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p>c. TDM Implementation – Operational Strategies <u>Requirement:</u> For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>		
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 74) Construction and Demolition Waste Reduction and Recycling <u>Requirement:</u> 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.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 75) Underground Utilities <u>Requirement:</u> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project’s street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA UTIL-3 (Standard Condition of Approval 76) Recycling Collection and Storage Space <u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<p>SCA UTIL-4 (Standard Condition of Approval 77) Green Building Requirements</p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p><u>Requirement:</u> 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).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. • LEED Silver (minimum 50 points) (except the cool roof requirement) per the appropriate checklist approved during the Planning entitlement process. • CALGreen mandatory measures for non-residential construction • Green Building Certification (Green Building Certification Institution and City staff for CALGreen) 	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p> <p>c. After project completion as specified.</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>c. City of Oakland Bureau of Planning and Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories. <p>b. Compliance with Green Building Requirements During Construction</p> <p><u>Requirement:</u> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>c. Compliance with Green Building Requirements After Construction</p> <p><u>Requirement:</u> Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Build It Green or Green Building Certification Institute and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p>		
<p>SCA UTIL-5 (Standard Condition of Approval 79) Sanitary Sewer System</p> <p><u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-6 (Standard Condition of Approval 80) Storm Drain System</p> <p><u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections

ATTACHMENT B

Project Consistency with Community Plans or Zoning, Per CEQA Guidelines Section 15183

Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that "...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

As discussed in detail in Section III of this document, the analysis in the 2011 Redevelopment Plan Amendments EIR, the 1998 LUTE EIR and, for only the residential components of the proposed project, the 2010 Housing Element Update EIR and its 2014 Addendum, are considered the qualified planning level Previous CEQA Documents for this assessment, pursuant to CEQA Guidelines Section 15183.

Proposed Project

The majority of the project site (the primary parcels fronting Broadway) is within the Broadway Valdez District Specific Plan (BVDSP) area (Plan area).³⁷ A portion of the project site also falls within the Community Commercial Zone (CC-3). It would demolish the existing buildings and surface parking lots, but would retain and restore existing façades at the southeast corner of the project site (Broadway and 24th Street). The building at 437 25th Street, at the northwest corner of the project site, would not be demolished. Rather, this building would be tied to the new building. The front and two internal walls would be retained as well as a portion of the roof truss. The proposed project would construct a new mixed-use three- to six-story building of approximately 216,810 gross square feet with a maximum height of 85 feet (not including roof parapet). The mixed-use building would include hotel, residential, and commercial uses, including a parking garage.

Project Consistency

As determined by the City of Oakland Bureau of Planning, the proposed land uses are permitted in the zoning districts in which it is located, and is consistent with the bulk, density, and land uses envisioned in the Plan area and the Community Commercial area, as outlined below.

- The General Plan land use designation for 2417 Broadway is Central Business District (CBD) and for 422 24th Street and 437 25th Street, is Community Commercial (CC). The parcel at

³⁷ City of Oakland, 2014. *Broadway Valdez District Specific Plan*. Adopted June.

2401 Broadway straddles the boundary line of the BVDSP and thus is in both the CBD and CC. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The intent of the Community Commercial zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The proposed mixed-use project would be consistent with these designations.

- The project site has one and one half parcels located within the boundaries of the Plan Area, D-BV-1 (Retail Priority Sites Commercial Zone 1) and two and one half parcels located outside the Plan Area and in the Community Commercial (CC-3) Zone. The regulatory framework of D-BV-1 ensures that larger sites and opportunity areas are reserved primarily for new large-scale retail development that is oriented toward consumer goods, at least on the ground floor. A property that is zoned as D-BV-1 Retail Priority Site is allowed to include residential uses only if a project were to include a retail component of a certain size and type as further described below. The proposed project would be consistent with the regulatory framework of D-BV-1, as it would provide large-scale retail oriented toward consumer goods along the ground floor along Broadway, 24th Street, and 25th Street. The proposed project would include approximately 27,200 square feet of commercial uses.
- The project site is also within the 45-foot height area. In this area, height and density is limited by the amount of retail square footage provided by the proposed project. To exceed 45 feet in height, and to allow residential uses, projects must provide a minimum retail square footage of 50 percent of the lot area. Residential uses are conditionally permitted once the 50 percent retail uses threshold is met.
- The project site is approximately 1.21 acres (52,843 square feet). When calculating uses proposed for the parcel within the D-BV-1 zone, (17,439 square feet of retail equals approximately 58 percent of the 30,265 square foot lot), the proposed project exceeds the Retail Priority Site requirements and thus is conditionally permitted a building height increase up to 85 feet and development of residential uses. Therefore, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR.
- The CC-3 zoning designation is intended to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The project applicant is seeking an adjacency extension into the CC-3 parcel at 422 24th Street by 130 feet for residential uses and by 30 feet for permitted 85-foot height limit.
- Because the project achieves the 50 percent Retail Priority Site area threshold, the permitted FAR is 8.0 for the non-residential areas of the project site. The portion of the project site designated as a Retail Priority Site is approximately 30,265 square feet, and therefore the maximum non-residential FAR allowed would be 242,120 square feet. The proposed project would provide up to 120,810 square feet of retail and hotel space and is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.
- Projects that satisfy the criteria for the Retail Priority Site area, as described above, are allowed a maximum base height of 85 feet and a maximum height of 200 feet. Because the proposed

project would meet the Retail Priority Site area criterion, a maximum height of 200 feet would be allowed at the site. The proposed project would be three- to six-stories tall and would not exceed 200 feet (i.e., at the top of the roof structure), as measured by the Planning Code. Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR.

- With respect to residential density, the 45 foot height area allows for 1 dwelling unit per 125 square feet of retail use with a conditional use permit.³⁸ As noted above, the proposed project would provide up to 27,200 square feet of retail space. As such, the maximum residential density on the project site would be 213 dwelling units. The proposed project would construct up to 72 dwelling units. Therefore, the proposed project would comply with the amount of residential density allowed under the Planning Code and fits within the residential assumptions of the BVDSP EIR. Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR.
- Transient Habitation (hotel uses), are conditionally permitted and would require a Conditional Use Permit.³⁹

Therefore, the proposed project is eligible for consideration of an exemption under California Public Resources Code Section 21083.3, and Section 15183 of the CEQA Guidelines.

³⁸ Per Table 17.101C.05 and Table 17.101C.06 of the Oakland Planning Code.

³⁹ Per Table 17.102.370 of the Oakland Planning Code.

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ATTACHMENT C

Infill Performance Standards, Per CEQA Guidelines Section 15183.3

California Environmental Quality Act (CEQA) Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M establish eligibility requirements for projects to qualify as infill projects. **Table C-1**, on the pages following, shows how the proposed project satisfies each of the applicable requirements.

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])</p>	<p>Yes</p> <p>The project site has been previously developed with commercial uses and surface parking lots, and adjoins existing urban uses, as described in the Project Description, above.</p>
<p>2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:</p>	<p>—</p>
<p>2a. <i>Performance Standards Related to Project Design.</i> All projects must implement all of the following:</p>	<p>—</p>
<p>Renewable Energy.</p> <p><i>Non-Residential Projects.</i> All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible.</p> <p><i>Residential Projects.</i> Residential projects are also encouraged to include such on site renewable power generation.</p>	<p>Yes</p> <p>According to Section IV (G) of CEQA Appendix M, for mixed-use projects "...the performance standards in this section that apply to the predominant use shall govern the entire project." The project site would be developed as a hotel (non-residential). The project applicant shall prepare, for City review and approval, a feasibility assessment of onsite renewable power generation options. If determined feasible by the City, the project applicant shall implement onsite renewable power generation.</p>
<p>Soil and Water Remediation.</p> <p>If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>Yes</p> <p>As stated in Section 7, Hazards and Hazardous Materials, of the CEQA Checklist, a review of available environmental databases was conducted for the proposed project. The Kia/Mitsubishi service and parts center (site address 2401 and 2417 Broadway) is on the Cortese list as an open Leaking Underground Storage Tank (LUST) cleanup site. The project applicant is currently in communication with the Regional Water Quality Control</p>

**TABLE C-1
 PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>2. cont.</p>	<p>Board, San Francisco Bay Region (RWQCB) on required steps to obtain LUST case closure at 2417 Broadway. However, the process cannot begin until the project applicant has acquired the property. The Phase I ESA, Phase II ESA, and Site Mitigation and Contingency Plan prepared for the project site included recommendations for the site, and consistent with SCA 40, the project applicant shall implement the [City] approved [Phase I/II] recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency. See Section 7 for additional information.</p>
<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Yes</p> <p>An air quality screening was prepared for the proposed project. As described therein, no “high-volume roadways” with 100,000 vehicles per day, as defined by Section II of CEQA Appendix M, are located within 1,000 feet of the proposed project.</p> <p>As summarized in the air quality screening prepared for the proposed project, no air pollution standards are required to be implemented for the proposed project.</p>
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.</p>	
<p>Residential. A residential project must meet one of the following:</p> <p>A. <i>Projects achieving below average regional per capita vehicle miles traveled (VMT).</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p>B. <i>Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p>C. <i>Low - Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income</p>	<p>According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this Section that apply to the predominant use shall govern the entire project.” Because the predominant use is commercial/hotel, the proposed project is not eligible under Section (A).</p> <p>Yes</p> <p>The proposed project is eligible under Section (B). The project site is well-served by multiple transit providers, including numerous Alameda-Contra Costa County Transit District (AC Transit) routes. The project site is also approximately 0.5 mile north of the 19th Street Oakland Bay Area Rapid Transit (BART) station. Broadway qualifies as a “High Quality Transit Corridor,” as defined</p>

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

	CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
2. cont.	households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.	by Section II of CEQA, with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway near the project site, and has service intervals no longer than 15 minutes during peak commute hours. Other bus routes in the project vicinity further satisfy this criterion.
	<p>Commercial/Retail. A commercial/retail project must meet one of the following:</p> <p>A. <i>Regional Location.</i> A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; or</p> <p>B. <i>Proximity to Households.</i> A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Yes</p> <p>The proposed project is eligible under Section (A). As stated in the Checklist, the average daily VMT per capita and VMT per worker in the project TAZ is more than 15 percent below the regional averages. It is presumed that the proposed project would not result in substantial additional VMT.</p>
	<p>Office Building. An office building project must meeting one of the following:</p> <p>A. <i>Regional Location.</i> Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or</p> <p>B. <i>Proximity to a Major Transit Stop.</i> Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p>
	<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	<p>Not Applicable</p>
	<p>Transit.</p> <p>Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	<p>Not Applicable</p>
	<p>Small Walkable Community Projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (f)(5), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable</p>

**TABLE C-1
 PROJECT INFILL ELIGIBILITY**

	CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
3.	<p>Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5).</p> <p>(CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes (see explanation below table)</p>

NOTE:

- ^a Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.

Explanation for Eligibility Criteria 3

The adopted Plan Bay Area (2013) serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375.⁴⁰ As defined by the Plan, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. As stated in the BVDSP, the Broadway Valdez District is considered a PDA. The proposed project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the BVDSP and described further below.

The General Plan land use designation for 2417 Broadway is Central Business District (CBD) and for 422 24th Street and 437 25th Street, is Community Commercial (CC). The parcel at 2401 Broadway straddles the boundary line of the BVDSP and thus is in both the CBD and CC. The CBD designation is intended to encourage, support, and enhance the downtown area as a high-density mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The intent of the Community Commercial zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The proposed mixed-use project would be consistent with these designations.

⁴⁰ Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013.

Under the adopted BVDSP, the project site is zoned Broadway Valdez District Retail Priority Sites Commercial Zone 1 (D-BV-1), Retail Priority Site 2. The proposed project would be consistent with the regulatory framework of D-BV-1, which ensures that larger sites and opportunity areas are reserved primarily for new, large-scale retail development that is oriented toward consumer goods, at least on the ground floor. A property that is zoned as D-BV-1 Retail Priority Sites is allowed to include residential uses only if a project were to include a retail component of a certain size and type.

The project site is located within the 45-foot height area, which generally limits building heights to 45 feet, but does allow increased building heights if applicable retail criteria are met. The base height for the project site would be 85 feet if the project provides 50 percent of the Retail Priority Site area with retail, with a maximum height of 200 feet. As stated in Section 9, Land Use, the square footage of proposed retail uses in the D-BV-1 portion of the project site would exceed 50 percent of the Retail Priority Site area; therefore, the project can be up to 200 feet in height, in conformance with the height limit on the site. The proposed building would be three- to six- stories tall and would not exceed 200 feet (i.e., at the top of the roof structure). The proposed project would be up to 85 feet in height, and would be compliant with the 200-foot height limit gained through the residential bonus, as measured at grade.

Under the adopted BVDSP, the maximum residential density (i.e., square feet of lot area required per dwelling unit) is based on the zoning height area. The 45-foot height area allows for one dwelling unit per 125 square feet of retail use with a conditional use permit when the minimum square footage of retail use is provided. The proposed project would provide up to 27,200 square feet of retail space. As such, the maximum residential density on the project site would be 213 dwelling units. The proposed project would construct up to 72 dwelling units.

For the portion of the site outside of the BVDSP, the CC-3 zoning designation is intended to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. 422 24th Street, the rear portion of 2401 Broadway, and 437 25th Street are located in the CC-3 zone and also in the 45-foot height area. Under Planning Code Sections 17.102.110 and 17.154.060, an extension of the density and land use controls that apply to an adjacent parcel can be extended to these parcels, which would allow the proposed hotel use and an increase in allowable height. The project applicant is seeking approval of a Conditional Use Permit to extend the allowable uses 130 feet into the CC-3 parcel to allow transient habitation (hotel) uses on the site and Design Review to extend for 30 horizontal feet the allowable height of 85 feet.

For mixed-use projects, the maximum non-residential floor area ratio (FAR) is based on the total lot area, and any square footage allotted or occupied by residential uses is included in the lot area calculation. The permitted FAR is 8.0 for the non-residential areas of the project site. The portion of the project site designated as a Retail Priority Site is approximately 30,265 square feet, and therefore the maximum non-residential floor area allowed would be 242,120 square feet. The proposed project would provide up to 120,810 square feet of retail and hotel space and is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.

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ATTACHMENT D

Criteria for Use of Addendum, per CEQA Guidelines Sections 15164 and 15162

Section 15164(a) of the California Environmental Quality Act (CEQA) Guidelines states that “a lead agency or responsible agency shall prepare an addendum to a previously certified EIR [Environmental Impact Report] if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15164(e) states that “a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR.”

Project Modifications

The Broadway Valdez District Specific Plan (BVDSP) EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum feasible development that the City of Oakland has projected can reasonably be expected to occur in the BVDSP area (Plan area) over a 25-year planning period.⁴¹ The proposed project would provide more dwelling units and hotel rooms than contemplated for Valdez Triangle Subdistrict 3, as indicated in Table 4.13-7 of the BVDSP EIR (72 residential units instead of 40 residential units, and 159 hotel rooms instead of zero).⁴² The proposed project’s 27,200 square feet of commercial use would be well below the 251,398 square feet identified in the Broadway Valdez Development Program.

The EIR indicates that the CEQA analysis was based on the maximum development quantities set forth in the Development Program. The intent of the BVDSP is to provide as much flexibility as is feasible in terms of precise mix of newly developed land uses and their location in the Plan area, while conforming to the CEQA analysis and thresholds established in the EIR. Traffic capacity was identified in the BVDSP EIR as the key environmental factor constraining development. The City of Oakland is tracking and measuring vehicle trip generation created by projects proposed under the BVDSP, not land uses, to monitor when thresholds established have been met. Thus, it is traffic capacity that caps development under the BVDSP, not uses, which were contemplated to evolve and, as long as impacts fall within the maximum development analyzed in the BVDSP EIR, additional CEQA analysis is unnecessary.

⁴¹ In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 parking spaces provided by the development program, and approximately 4,500 new jobs.

⁴² Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

As described in Section 13, Transportation and Circulation, of this CEQA Checklist, the proposed project would generate 68 AM and 104 PM net new peak-hour vehicle trips. Trips generated by the proposed project, together with the trips generated by other projects that are currently under construction, approved, and proposed for development in the Plan Area, would represent approximately 44 percent of the AM peak-hour trips and 47 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the entire Plan Area. Although the proposed project would result in the total residential units for the Valdez Triangle Subarea exceeding the envelope of the Development Program analyzed in the BVDSP EIR, the combined trip generation for the projects under construction, approved, and proposed within the Valdez Triangle Subarea would represent approximately 75 percent of the AM peak-hour trips and 68 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle Subarea because the non-residential development would continue to remain within the envelope of the Development Program analyzed in the BVDSP EIR. Trips generated by the proposed project, together with the trips generated by other projects that are currently under construction, approved, and proposed for development in Subdistrict 3 would represent approximately 72 percent of the AM peak-hour trips and 52 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3. The traffic impact analysis presented in the EIR continues to remain valid, and the trip generation from the proposed project combined with other projects currently being developed under the BVDSP would be within the program analyzed under the BVDSP EIR for the Plan area, the Valdez Triangle, and Subdistrict 3.

Therefore, the proposed project would represent a minor change in the Development Program, and such changes are anticipated in the EIR.

Conditions for Addendum

None of the following conditions for preparation of a subsequent EIR per Section 15162(a) apply to the proposed project:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project Consistency with Section 15162 of the CEQA Guidelines

Since certification of the Final EIR, no changes have occurred in the circumstances under which the proposed project would be implemented, that would change the severity of the proposed project's physical impacts as explained in the CEQA Checklist above, and no new information has emerged that would materially change the analyses or conclusions set forth in the Final EIR.

Furthermore, as demonstrated in the CEQA Checklist, the proposed modifications to the Development Program would not result in any new significant environmental impacts, result in any substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the EIR, nor render any mitigation measures or alternatives found not to be feasible, feasible. The effects of the proposed project would be substantially the same as those reported for the Development Program in the EIR.

The analysis presented in this CEQA Checklist, combined with the prior EIR analysis, demonstrates that the proposed project would not result in significant impacts that were not previously identified in the EIR. The proposed project would not result in a substantial increase in the significance of impacts, nor would the proposed project contribute considerably to cumulative effects that were not already accounted for in the certified EIR. Overall, the proposed project's impacts are similar to those identified and discussed in the EIR, as described in the CEQA Checklist, and the findings reached in the EIR are applicable.

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