

**3093 Broadway
CEQA Analysis**

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

Date:	November 10, 2014
Project Address:	3093 Broadway
Case Number:	PLN14-272
Zoning:	D-BV-3 (Mixed Use Boulevard Zone) D-BV-4 (Mixed Use Zone) N-North Large Development Site Combining Zone
General Plan:	Community Commercial
APNs:	9-705-1-4, 9-705-1-8, 9-705-2-1, and 9-705-2-2
Lot Size:	3.44 acres
Plan Area:	Broadway Valdez District Specific Plan
Applicant:	3093 Broadway Holdings, L.L.C. c/o CityView 555 California Street, 10th Floor San Francisco, CA 94104 Attn: David Martin (310) 401-4800
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EXECUTIVE SUMMARY

The proposed 3093 Broadway project (proposed project) would be located on an approximately 3.44-acre site in the North End Subarea of the Broadway Valdez District Specific Plan (BVDSP)¹ area (Plan Area). The proposed project would demolish the majority of the existing Connell GMC Pontiac Cadillac/Bay City Chevrolet building (Connell Building)—which is considered a historical resource for the purposes of the California Environmental Quality Act (CEQA)²—but would partially adaptively reuse a portion of the building by integrating the prominent front showroom at the corner of Broadway and Hawthorne Avenue into the proposed new building. The new building would be approximately 666,174 square feet, with seven stories, and would be up to 85 feet in height. The proposed project would include approximately 360,000 square feet of residential uses (approximately 435 residential units) and approximately 24,000 square feet of ground-floor commercial space on Broadway. The proposed project would also provide a total of approximately 200,000 square feet of parking space on the first and second levels, consisting of up to 621 parking spaces (46 parking spaces for the retail uses and 575 parking spaces for the residential uses) and approximately 266 bicycle parking spaces. A pedestrian corridor would connect Broadway to Webster Street along the southern edge of the parcel; it would be open to the public during specified daytime hours.

¹ City of Oakland, 2014. Broadway Valdez District Specific Plan. Adopted June.

² ESA (Environmental Science Associates), 2009. Appendix D, Broadway Valdez Specific Plan, Oakland, Alameda County, California, Historic Resources Inventory Report. July.

The BVDSP Environmental Impact Report (EIR)³ analyzed the environmental impacts of adoption and implementation of the BVDSP, and—where feasible, and where the level of detail available was sufficient to adequately analyze the potential environmental effects—provided a project-level CEQA review for foreseeable and anticipated development. This allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

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

- 1. Community Plan Exemption.** Public Resources Code Section 21083.3 and 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 which 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 CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if 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 on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are 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 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 evaluates whether such impacts were adequately covered by the BVDSP EIR 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. Mitigation measures and Standard Conditions of Approval (SCAs) identified in the BVDSP EIR 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 BVDSP EIR mitigation measures identified in the EIR, and with applicable City of Oakland SCAs; therefore, the measures and SCAs are

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.oakland.net.com/Government/o/PBN/OurServices/Application/DOWD009157>.)

herein assumed to be included as part of the proposed project (see Table 6, Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval, at the end of the CEQA Checklist).

The proposed project satisfies each of the CEQA streamlining and/or tiering provisions, as summarized below.

- **Community Plan Exemption.** Based on the analysis conducted, the proposed project qualifies for a community plan exemption. It is permitted in the zoning district where the project site is located, and is consistent with the bulk, density, and land uses envisioned in the BVDSP. The CEQA Checklist included below concludes that the proposed project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the BVDSP EIR; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the EIR. Findings regarding the proposed project's consistency with the BVDSP are included as Attachment A to this document.
- **Qualified Infill Exemption.** The analysis conducted also indicates that the proposed project qualifies for a qualified infill exemption. The infill eligibility criteria are evaluated in Attachment B, and supported by the CEQA Checklist included below.
- **Addendum.** The analysis conducted also indicates that an addendum to the BVDSP EIR applies. The BVDSP EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum feasible development that can reasonably be expected to occur in the Plan Area over a 25-year planning period, according to the City of Oakland's projections.⁴ As shown in Table 1, the proposed project would represent a minor change in the Development Program from what was analyzed in the BVDSP EIR. The project's proposed building size is less than that set forth for the project site in the BVDSP; although it would include more dwelling units, it would include substantially fewer commercial uses, resulting in fewer trips than the Development Program analyzed in the BVDSP EIR, as described in Section 13, Transportation and Circulation, below. The proposed project therefore meets the requirements for an addendum, as evidenced in Attachment C to this document.

As shown in Table 1, the proposed project would not represent a substantial change from the what was described for project site in the Development Program; the building size is less than that set forth for the project site in the BVDSP, and, although the project would include more dwelling units, it would also include substantially fewer commercial uses; therefore, it would generate fewer trips than the project analyzed in the BVDSP EIR, as described in Section 13, Transportation and Circulation. The proposed project therefore meets the requirements for an addendum, as evidenced in Attachment C to this document.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, as summarized in the CEQA Checklist below, the BVDSP EIR adequately analyzed and covered the potential environmental impacts associated with the proposed project, and the streamlining and/or tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis under CEQA is required.

⁴ In total, the 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.

Table 1. Comparison of BVDSP Development Program and Proposed Project

Development Characteristics	Development Program ¹	Proposed Project
Height	9 stories	7 stories
Residential Units	341	435
Retail Square Feet (net square feet)	133,318	24,000

Notes:

¹ Development Program for Project Site #24 listed in Table D.1: Illustrative Development Plan Program by Subdistrict.

Sources:

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

Van Tilburg, Banvard, and Soderbergh, AIA, 2014. 3093 Broadway, Oakland, California. Planning Submittal. October 3.

PROJECT DESCRIPTION

Project Location

The project site is located at 3093 Broadway, and consists of four parcels (Assessor's Parcel Numbers 9-705-1-4, 9-705-1-8, 9-705-2-1, and 9-705-2-2), bounded by Broadway, Hawthorne Avenue, and Webster Street. The project site is in the Broadway Auto Row area, north of Uptown Oakland and south of Pill Hill/Kaiser Medical Center; Alta Bates Summit Medical Center is immediately to the west of the site. The site is in Subdistrict 5 of the North End Subarea of the Plan Area.

The project site is accessible from Interstate 580 (I-580), approximately 630 feet to the north, and Interstate 980 to the west. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 1, 1R, 51A, 800, and 851. The MacArthur Bay Area Rapid Transit District (BART) station is approximately 0.7 mile northeast of the site, and the 19th Street BART station is approximately 1 mile south of the site.

Existing Conditions

The 3.44-acre site is developed with automobile sales and repair uses; one building and a surface parking lot occupy the site. The site generally slopes downward to the east and southeast, with approximately 23 feet of elevation change across the site. The site is entirely covered with impervious surfaces, and does not contain any landscaping. Six street trees are planted along the perimeter of the site; five on Broadway and one on Hawthorne Avenue. The site is accessed by three driveways on Hawthorne Avenue, and three driveways on Broadway.

The Connell Building, located on the northern portion of the site, is approximately 40,200-square-foot in area, and was constructed in 1947. The building has a Streamline Modern design; it is a one-story reinforced-concrete building with stucco and glass, consisting of a showroom, a two-story office wing, and a maintenance/repair wing. The Connell Building is assigned a B2+ rating in the BVDSP Historic Resource Inventory as a building of Major Importance, and a contributor to the Upper Broadway Auto Row District Area of Secondary Importance. The building represents an example of its type and period, and is identified as a historical resource for the purposes of CEQA.⁵

⁵ ESA (Environmental Science Associates), 2009. Appendix D, Broadway Valdez Specific Plan, Oakland, Alameda County, California, Historic Resources Inventory Report. July.

The General Plan land use designation for the project site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland's major corridors and in shopping districts or centers. The project site is zoned as D-BV-3 (Mixed Use Boulevard Zone), D-BV-4 (Mixed Use Zone), and N-North Large Development Site Combining Zone. The majority of the site is zoned D-BV-3 with the N-North Large Development Site Combining Zone; the D-BV-3 zone permits residential uses and requires ground floor commercial uses for the first 60 feet of lot depth along Broadway. The portion of the site with frontage on Webster Street is zoned D-BV-4; this zone allows a wide range of uses on the ground floor, including both residential and commercial businesses. The project site is in two height districts. Along the Broadway frontage, the height limit is 85 feet, with heights up to 135 feet permitted with a Conditional Use Permit. Along the Webster Street frontage, heights up to 135 feet are allowed, with heights up to 200 feet permitted with a Conditional Use Permit.

Surrounding land uses in the immediate vicinity of the proposed project include automobile repair and sales, medical facilities, and commercial uses. Residential uses are generally to the east, beyond Broadway and along Brook Street. Immediately north and west of the project site are multi-story medical and office buildings, including a parking garage, that range in height from 2 to 12 stories. East of the site, along Broadway, are one- to two-story commercial buildings that include automobile repair and sales uses. South of the site is a surface parking lot, a residential building occupied with office uses, and a two-story medical building. A 36,000-square-foot retail development anchored by a grocery store has been approved for 3001-3039 Broadway, the property immediately south of the site at the corner of 30th Street and Broadway, and is currently under construction.

Project Characteristics

The proposed project would demolish the majority of the existing Connell Building, but would retain and partially adaptively reuse the prominent front showroom at the corner of Broadway and Hawthorne Avenue, by integrating it into the proposed new building. The new building would be an approximately 666,174-square-foot mixed-use residential building, with seven stories and up to 85 feet in height. The proposed project would include approximately 360,000 square feet of residential uses (approximately 435 residential units) and approximately 24,000 square feet of ground-floor commercial space on Broadway. The proposed project would also provide approximately 200,000 square feet of parking space on the first and second levels, with up to 621 parking spaces (46 parking spaces for the retail uses and 575 parking spaces for the residential uses) and 266 bicycle parking spaces. The proposed new building would have apartment-style units above ground floor retail along Broadway, ingress and egress for parking and apartment-style units along Hawthorne Avenue, and townhouse-style units along Webster Street. Two interior courtyards would provide private open space for the units. A pedestrian corridor would connect Broadway to Webster Street along the southern edge of the parcel; it would be open to the public during specified daytime hours.

The first floor of the proposed new building would contain approximately 24,000 square feet of ground-floor retail along Broadway, with multiple tenant spaces, separated by a lobby serving the apartment units above. Partially below-grade podium parking would be available on the first two floors of the building, and residential units would be on floors three through seven. The residential unit mix would consist of approximately 135 studio units, 147 one-bedroom units, and 146 two-bedroom units. In addition, the proposed project would provide seven townhouse units along Webster Street.

The proposed project would retain the Connell Building's front showroom, inclusive of the façade and parapet wall above, the cylindrical tower, and a portion of the showroom's terrazzo flooring. The multi-paned

aluminum windows on the Connell Building façade would be replaced or repaired to match the existing design as feasible per requirements for code compliance. The black tile at the base of the showroom façade would be retained, and the façade of the new building along Broadway would include a black tile base to match the Connell Building tile base. The proposed new building would be set back behind the cylindrical tower.

The main residential entrance would be mid-block on Broadway; secondary residential entrances would be on Webster Street and Hawthorne Avenue. The individual entrances to the townhouses would be from Webster Street. Two entrances to the parking garage would be provided along Hawthorne Avenue. Residential loading would be provided at the entrances on Broadway, Hawthorne Avenue, and Webster Street, as well as from the parking garage. In addition, commercial loading spaces would be provided in the parking garage.

The proposed project would be required to provide a minimum of 75 square feet of usable open space per dwelling unit, per Planning Code 17.101C.050.B. The proposed project would include a total of 34,068 square feet of common open space, provided in interior courtyards on the third-floor podium and an amenity area on the seventh-floor roof-deck level. The common open space on the top of the podium, or at the third floor, would include a pool and deck, outdoor food preparation area, bocce ball courtyard, artificial lawn area with seating blocks, and a seating area with an outdoor fireplace. Open space on the seventh-floor deck level would include an outdoor food preparation area with seating. Approximately 30,380 square feet of private open space would be provided in patios for individual units.

The proposed project would include a pedestrian pathway/mid-block corridor between Broadway and Webster Street at the site's southern edge; the connector would have two access gates and would be open to the public during specified hours, approximately from 8:00 a.m. until 6:00 p.m. daily, and closed overnight. The corridor would be a ramped walkway with handrails, would be landscaped with trees and other plantings, and may include stormwater treatment planters and pedestrian amenities such as benches.

Sidewalk/streetscape improvements would be installed as part of the proposed project, consistent with the BV DSP Public Realm Design Guidelines for Streetscape Design. Improvements would include widening the sidewalk along a portion of the proposed project's frontage on Broadway, replacing existing street lights with candelabra street lights, and installing other street furniture. The proposed project would also remove six street trees in the public right-of-way that are considered protected trees, as defined by City of Oakland Tree Preservation Ordinance (Oakland Municipal Code, Chapter 12.36). The proposed project would plant approximately 30 new trees along the project site street frontage.

Project Construction

Construction activities would consist of partial demolition of the existing building and surface parking lot, hazardous material remediation, excavation and shoring, foundation and below-grade construction, and construction of the building and finishing interiors. Project construction is expected to occur over approximately 24 months. Approximately 20 to 30 workers would be present in the early stages, with 200 to 250 workers present at the peak of construction.

The depth of the excavation would range from 0 feet at Broadway to approximately 23 feet below grade at Webster Street, depending on the slope of the site. Up to 40,000 cubic yards of soil would be excavated and off-hauled from the site. No soils are anticipated to be imported to the site.

A shoring system consisting of soldier beams and timber lagging may be installed in areas of excavation where there is not sufficient space to slope the sides of the proposed excavation, and temporary tiebacks may be needed. Groundwater is approximately 26 to 30 feet below the ground surface at the site, and dewatering during construction may be required. Based on the building loads and bearing capacity of the native soil, shallow spread-footing foundations is likely, and no pile driving would occur or be required.

PROJECT APPROVALS

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

Actions by the City of Oakland

- Planning Director – Regular Design Review, CEQA determination, and approval of parcel merger.
- Public Works Tree Division – Issuance of tree removal permit.
- Building Bureau – Building permit and other related onsite and offsite work permits, minor encroachment permit, and curb gutter sidewalk permit.

Actions by Other Agencies

- Alameda County Department of Environmental Health (ACDEH) – Approval of remedial action plan, soil management plan, and post-remediation closure plan.
- Bay Area Air Quality Management District (BAAQMD) – Issuance of permits for installation and operation of the emergency generator.
- Regional Water Quality Control Board – 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. Granting of required clearances to confirm that all applicable standards, regulations, and conditions for all previous contamination at the site have been met.
- East Bay Municipal Utility District (EBMUD) – Approval of new service requests and new water meter installations.

BVDSP and 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 established a Development Program to project the maximum feasible development reasonably expected during the 25-year planning period, which included 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 feasible, and where the level of detail available was sufficient to adequately analyze the potential environmental effects—the EIR provided a project-level CEQA review for foreseeable and anticipated development.

On September 20, 2013, the City of Oakland released for public review a Draft EIR for the BVDSP. The public review and comment period on the Draft EIR 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 to the following resources would be less than significant, or would be reduced to a less-than-significant level with the 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 effects on the following environmental resources: wind and shadow; air quality; cultural resources; greenhouse gases (GHGs) and climate change; noise; and transportation. Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations with findings was adopted as part of the BVDSP approval on May 21, 2014, and confirmed by City Council on June 17, 2014.

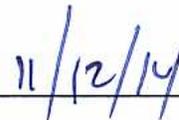
Summary of Findings

An evaluation of the proposed project is provided in the CEQA Checklist below. This evaluation concludes that the proposed project qualifies for an exemption/addendum from additional environmental review. It is consistent with the development density and land use characteristics established by the City of Oakland in the BVDSP, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the BVDSP EIR. The proposed project will be required to comply with the applicable mitigation measures identified in the BVDSP EIR, and any applicable City of Oakland SCAs (see Table 6, Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval, at the end of the CEQA Checklist). 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 in BVDSP EIR, or in any new significant impacts that were not previously identified in the BVDSP EIR.

In accordance with California Public Resources Code Sections 21083.3, 21094.5, and 21166; and 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) are peculiar to the project or project site; (2) were not previously identified as significant project-level, cumulative, or offsite effects in the BVDSP EIR; or (3) were previously identified as significant effects, but which—as a result of substantial new information not known at the time the BVDSP EIR was certified—would increase in severity above that described in the EIR. Therefore, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
- The proposed project would not cause any new specific effects on the environment that were not already analyzed in the BVDSP EIR or are more significant than previously analyzed in the BVDSP EIR. The effects of the proposed project have been addressed in the BVDSP EIR, and no further environmental documents are required in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.
- The analyses conducted and the conclusions reached in the BVDSP EIR 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 modifications. The proposed project would not cause new significant impacts 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 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 CEQA Guidelines Sections 15164.

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



Darin Ranelletti

Environmental Review Officer

Date

CEQA CHECKLIST

Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the BVDSP, as evaluated in the BVDSP EIR. Potential environmental impacts of development under the BVDSP were analyzed and covered by the BVDSP EIR, and the EIR identified mitigation measures and SCAs to address these potential environmental impacts.

This CEQA Checklist hereby incorporates by reference the BVDSP EIR discussion and analysis of all potential environmental impact topics; only those environmental topics that could have a potential project-level environmental impact are included. The EIR significance criteria have been consolidated and abbreviated in this CEQA Checklist for administrative purposes; a complete list of the significance criteria can be found in the BVDSP EIR.

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;
- Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR; 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, the checkbox for Equal or Less Severity of Impact Previously Identified in BVDSP EIR is checked. Where the checkbox for Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR 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) (per CEQA Guidelines Sections 15183 or 15183.3), including offsite 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 Sections 15162); or
- Due to substantial new information not known at the time the BVDSP EIR was certified (per CEQA Guidelines Sections 15162, 15183, or 15183.3).

The proposed project is required to comply with applicable mitigation measures identified in the BVDSP EIR, and with City of Oakland SCAs. The project sponsor has agreed to incorporate and/or implement the required mitigation measures and SCAs as part of the proposed project. This CEQA Checklist includes references to the applicable mitigation measures and SCAs, and a list of the mitigation measures and SCAs is included in Table 6, at the end of this CEQA Checklist, which is incorporated by reference into the CEQA Checklist analysis. If the CEQA Checklist (including Table 6) 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.

<p>1. Aesthetics, Shadow, and Wind Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 EIR⁶ 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. The Physical Height Model accounted for 75-foot building heights along Broadway and 150-foot heights along Webster Street in the vicinity of the project site. 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 EIR determined that development under the BVDSP would result in less-than-significant impacts from shading, with the exception of potential shading on the Temple Sinai, which is considered a historical resource. Temple Sinai is located 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, impacts would conservatively 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 those the projects to address significant cumulative aesthetics and wind impacts. The EIR concluded that, even with implementation of Mitigation Measure AES-6, cumulative impacts would conservatively remain significant and unavoidable.

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 portion of the Plan Area that are over 100 feet in height. Even with implementation of Mitigation Measure AES-5, impacts would conservatively remain significant and unavoidable. To address potential cumulative

⁶ 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 thus 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 within the BVDSP EIR.

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, cumulative impacts would conservatively remain significant and unavoidable.

Project Analysis and Conclusion

The proposed project's massing would be generally within the building envelope modeled in the EIR. Although the proposed project's 85-foot height along Broadway would be 10 feet higher than the height modeled in the Physical Height Model, the project height along Webster Street would be 65 feet lower than the modeled height of 150 feet along this frontage. Because the longest shadows are cast to the west of the project towards Webster Street, the 10-foot increase in project height along Broadway would not result in substantial changes from what was modeled in the EIR. In addition, development projects developed under the BVDSP would be required to comply with the BVDSP Design Guidelines. The proposed project is outside the area identified in the BVDSP EIR as having potential shading impacts on Temple Sinai, is not located in the Central Business District portion of the Plan Area, and is not over 100 feet in height. For these reasons, Mitigation Measures AES-4, AES-5, and AES-6, identified in the BVDSP EIR would **not** apply.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to aesthetics, shadow, and wind that were not identified in the BVDSP EIR. In addition, no mitigation measures from the BVDSP EIR related to aesthetics, shadow, and wind are necessary for the proposed project. The proposed project would be required to implement SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans, as identified in Table 6, Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval, at the end of the CEQA Checklist (for reference, these are SCAs 12, 13, 15, 17 through 21, and 40).

<p>2. Air Quality Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>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 PM₁₀; 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 PM₁₀; result in maximum annual emissions of 10 tons per year of ROG, NO_x, or PM_{2.5}, or 15 tons per year of PM₁₀; or</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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, along with 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 Recommended Measure AIR-1, regional emissions were

conservatively estimated to 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 onsite 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 that requires development of a Parking and Transportation Demand Management, along with Recommended Measure AIR-2, would reduce vehicular trips and operational emissions. Even with implementation of the SCA and Recommended Measure AIR-2, 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. 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 offsite sources on new onsite sensitive receptors. The EIR also identified 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 determined that these impacts conservatively would remain significant and unavoidable.

Project Analysis and Conclusion

Construction of the proposed project would occur over approximately 24 months, and would include excavation and off-haul of up to 40,000 cubic yards of soil. The proposed project would have a total of approximately 666,174 square feet and 435 residential units—generating approximately 174 net new vehicle trips during the weekday a.m. peak hour (36 inbound and 138 outbound), and approximately 332 net new vehicle trips during the weekday p.m. peak hour (196 inbound and 136 outbound), as described in the Transportation and Circulation section of this CEQA Checklist. The proposed project would be required to comply with applicable SCAs related to parking demand, and construction and operation source emissions. Recommended Measures AIR-1 and AIR-2 from the BVDSP EIR would also apply as identified in Table 7, at the end of the CEQA Checklist.

The proposed project would introduce new sensitive receptors (residents) to the project site. It also would have a backup generator, thereby introducing new sources of TACs. A screening-level analysis was completed, assessing the proposed project's emissions of TACs on adjacent sensitive receptors, and impacts of nearby sources of TACs on the proposed project's new residential sensitive receptors.⁷ Based on that analysis, SCAs related to construction related emissions would apply.

⁷ URS Corporation, 2014. 3093 Broadway Project – Final Air Quality Screening Analysis per the Broadway Valdez District Specific Plan Environmental Impact Report Technical Memorandum. October.

The proposed project would construct new residential uses, and is within 1,000 feet of I-580. As a result, a screening analysis was conducted to assess the cumulative cancer risk to the proposed project’s receptors. Based on conservative assumptions, the cumulative cancer risk would be less than 100 in one million; and the risk from the project sources, when combined with local cancer risks from cumulative sources within 1,000 feet, would be less than 100 in one million. As a result, the SCA related to preparation of a Health Risk Assessment and development and adoption of further risk reduction strategies under Mitigation Measure AIR-4 are not required.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to air quality that were not identified in the BVDSP EIR. Recommended Measures AIR-1 and AIR-2 from the BVDSP EIR would apply to the proposed project as identified in Table 7, at the end of the CEQA Checklist, as would SCAs related to construction-related emissions controls and development Parking and Transportation Demand Management plans, as identified in Table 6 at the end of the CEQA Checklist (for reference, these are SCAs A and 25).

3. Biological Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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; 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; 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; 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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Biological Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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 Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 within and 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, and the nearest riparian habitat is at Glen Echo Creek, between 28th and 30th streets along the eastern boundary of the Plan Area. 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. An SCA pertaining to reducing bird collisions with buildings would 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; hazard materials management; and stormwater and erosion control would ensure that development under the BVDSP is in compliance with all aspects of the Creek Protection Ordinance, reduce the potential impacts on water quality, and minimize potential indirect impacts from pollution in Glen Echo Creek.

Project Analysis and Conclusion

The approximately 3.44-acre project site is developed with a building and surface parking lot, and is completely covered with impervious surfaces. There are six street trees, protected by the Tree Protection Ordinance, along the proposed project’s perimeter. The street trees would be removed during

construction, and replaced with approximately 30 street trees. Landscaping and stormwater treatment planters would be installed along the pedestrian mid-block corridor path and the interior courtyards.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to biological resources that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to biological resources, and none would be needed for the proposed project. SCAs related to tree removal and replacement, bird protection, erosion control, stormwater management, and hazardous materials, identified in Table 6 at the end of the CEQA Checklist, would apply to the project (for reference, these are SCAs 35, 44, 45, 46, 47, 55, 75, 80, and 82).

4. Cultural Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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"/>

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 Importance⁸ that are considered historical resources for CEQA purposes. There are also many older buildings that possess architectural merit, located in Areas of Secondary Importance⁹ or standing alone, and that contribute to the variety and texture of the Plan Area. In addition to the proposed land use changes represented in the Physical Height Model analyzed in the EIR, three parcels having CEQA historical resources—the Connell Building at 3903 Broadway; the Seventh Church of Christ, Scientist at 2333 Harrison Street; and the Newsom Apartments at 2346 Valdez Street—are specifically analyzed in the EIR.

As described in the historical resources inventory completed for the BVDSP EIR, the existing building on the project site, the Connell Building, is assigned a B2+ rating, meaning it is a building of Major Importance and a contributor to the Upper Broadway Auto Row District Area of Secondary Importance.¹⁰ The building represents an example of its type and period, and is identified as a historical resource for the purposes of CEQA.¹¹ The demolition or substantial alteration of these properties, including the Connell Building, resulting from adoption of and development under the BVDSP, was identified as a significant impact under CEQA.

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, including the Connell Building, through (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures, (b) Site-Specific Surveys and Evaluations, (c) Recordation and Public Interpretation, and (d) Financial Contributions. The EIR determined that if demolition or substantial alteration of historically significant resources is identified by the City of Oakland as the only feasible option for development in the Plan Area, impacts would be significant and unavoidable, even after implementation of Mitigation Measure CUL-1(c), Recordation and Public Interpretation, and Mitigation Measure CUL-1 (d), Financial Contributions.

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 the 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, impacts would conservatively 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.

⁸ 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.

⁹ 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.

¹⁰ The B2+ rating is derived from the City of Oakland's ratings for individual properties contained in the City's Historic Preservation Element of the General Plan (amended July 21, 1998). A "B" rating is for a resource of major importance; a "2" indicates the resource is in an ASI; and a "+" indicates that the resource is a contributor to the district's significance.

¹¹ ESA (Environmental Science Associates), 2009. Appendix D, Broadway Valdez Specific Plan, Oakland, Alameda County, California, Historic Resources Inventory Report. July.

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 found 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 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 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. As described in the Project Description, above, the proposed project would demolish the majority of the existing Connell Building, but would retain and partially adaptively reuse the prominent front showroom of the building at the corner of Broadway and Hawthorne Avenue, integrating it into the proposed new building. The project would retain the front showroom inclusive of the façade and parapet wall above, and the cylindrical tower of the showroom, and partially retain the terrazzo showroom floor. The existing terrazzo showroom floor would be retained from the front of the building to the location where the structural footings and columns for the new building would be installed. Behind the footings, the floor would be retained as feasible, or replaced with a new terrazzo floor or other material acceptable to city staff. The multi-paned aluminum windows on the Connell Building façade would be replaced or repaired to match the existing design as feasible per requirements for code compliance. The black tile at the base of the showroom façade would be retained, and the façade of the new building along Broadway would include a black tile base to match the Connell Building tile base. The proposed new building would be set back behind the cylindrical tower.

As described in the Historic Architectural Resources Mitigation Compliance Analysis completed for the proposed project,¹² the partial adaptive reuse of the building would partially achieve the aims of

¹² URS Corporation, 2014. Historic Architectural Resources Mitigation Compliance Analysis for 3093 Broadway. November.

Mitigation Measure CUL-1(a) by retaining an architecturally distinctive component of the building, meeting some of the Secretary of the Interior's Standards for Rehabilitation (Standards).¹³ However, because the proposed project would demolish the office, rear showroom, and automobile repair components of the Connell Building, the project would not comply with all of the Standards, and would not fully implement Mitigation Measure CUL-1(a). Therefore, the proposed project's impacts to the historic Connell Building would remain significant; and Mitigation Measure CUL-1(c), Recordation and Public Interpretation, and Mitigation Measure CUL-1 (d), Financial Contributions, would apply. In addition, because the proposed project would result in the de facto demolition of the Connell Building, it would have a cumulatively considerable contribution to the significant cumulative impacts identified in the BVDSP EIR. The proposed project would therefore be required to implement Mitigation Measure CUL-5, which requires implementation of Mitigation Measure CUL-1.

The City has determined that the partial adaptive reuse of the Connell Building through the integration of the front showroom into the proposed project under Mitigation Measure CUL-1(a) represents a reasonable and good faith effort by the project applicant to conserve the most distinctive architectural characteristics of the Connell Building. Although it would not achieve the adaptive reuse of the entire building, thereby reducing impacts to less-than-significant levels, the financial cost of incorporating this portion of the historic building into the proposed new building represents an adequate financial contribution, consistent with the intent of Mitigation Measure CUL-1 (d). Although this financial contribution is not made directly to the City, it meets the goals of the measure by committing funds to conserving the most architecturally distinctive character-defining features of the Connell Building, while maintaining the visual links with other nearby Auto Row historical resources. Therefore, Mitigation Measure CUL-1(d) would be achieved by implementation of the proposed project.

The SCA pertaining to the protection of historic structures from vibration impacts would apply to the project, because the proposed new building would be constructed adjacent to the portion of the Connell Building to be retained.

Mitigation Measure CUL-1(b), Future Site-Specific Surveys and Evaluations, would **not** be applicable to the proposed project, because a survey and evaluation of the property was completed in 2009 (ESA, 2009), and remains valid. The SCA related to property relocation instead of demolition would also **not** be applicable to the proposed project.

Archaeological and Paleontological Resources and Human Remains. The proposed project would entail excavation up to approximately 23 feet below grade, as described in the Project Description, above. Based on the results of the Geotechnical Report prepared for the proposed project (Langan Treadwell and Rollo, 2014a), the underlying geology of the project site comprises Late Pleistocene to Holocene alluvial fan deposits and Pleistocene alluvium to the maximum depth of excavation. In the San Francisco Bay Area, such soils have been found to contain often deeply buried prehistoric archaeological resources, and are therefore considered to be of elevated archaeological sensitivity. In addition, according to the Phase 1 Environmental Site Assessment prepared for the proposed project (Langan Treadwell and Rollo, 2014b), as far back as 1902 the parcel contained a number of facilities associated with Saint Mary's College. Remnants of this college, including structural remains and/or trash deposits, may remain in the parcel, and could be considered significant historical archaeological remains.

Conclusion. Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant

¹³ DOI (U.S. Department of the Interior), 1995. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Washington, DC: U.S. Department of the Interior.

impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to cultural resources that were not identified in the BVDSP EIR. The proposed project would partially implement Mitigation Measure CUL-1(a), pertaining to the adaptive reuse of the historical resource, and the project proponent would achieve the aims of Mitigation Measure CUL-1(d) by committing funds to the integration of the architecturally distinctive front showroom of the Connell Building in the proposed new building. The project would be required to implement Mitigation Measure CUL-1(c), pertaining to recordation and public interpretation, as well as SCAs related to vibration adjacent to historic structures, and accidental discovery of archeological and paleontological resources and human remains, as identified in the Table 6 at the end of the Checklist (for reference, these are SCAs 52, 53, 54, and 57).

5. Geology, Soils, and Geohazards Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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.	☒	☐	☐

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 require excavation of up to 40,000 cubic yards of soil; because the proposed project would entail excavation of more than 500 cubic yards of soil, a grading permit would be required. The proposed project would be required to comply with local and state construction requirements in the design and building of the proposed project.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to geology, soils, and geohazards that were not identified in the BVDSP EIR. 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, as identified in Table 6 at the end of the CEQA Checklist, would apply (for reference, these are SCAs 55, 58, and 60).

6. Greenhouse Gas and Climate Change Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically: <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. 	☒	☐	☐

Greenhouse Gas Emissions (Criterion 6a)

The BVDSP EIR evaluated impacts related to GHG emissions from construction and operation anticipated under the BVDSP. The EIR identified motor vehicle use, water, gas, electrical use, loss of vegetation, and construction activities as contributing to generation of GHG emissions under the implementation of the BVDSP. 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 determined that GHG impacts would conservatively remain significant and avoidable.

Project Analysis and Conclusion

A GHG screening analysis was prepared to determine whether the SCA requiring a GHG reduction plan applies to the proposed project. The GHG reduction plan SCA applies to projects of a certain minimum size that produce total GHG emissions exceeding one or both of the BAAQMD CEQA Thresholds; and that would potentially result in a significant impact. The screening analysis determined that the proposed project would not fall under any of the three scenarios that would require development of a GHG reduction plan under the SCA.¹⁴ The proposed project would therefore be consistent with the City of Oakland's Energy and Climate Action Plan, as well as the BVDSP, and a GHG reduction plan is not required.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to greenhouse gas and climate change that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to GHGs, and none are necessary for the proposed project. In addition, no SCAs related to GHGs are necessary for the proposed project.

¹⁴ URS Corporation, 2014. 3093 Broadway Project – Final Greenhouse Gases and Climate Change Screening Analysis per the Broadway Valdez District Specific Plan Environmental Impact Report. October.

7. Hazards and Hazardous Materials Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exposure to Hazards, Hazardous Materials Use, Storage and Disposal (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; removal of asbestos and lead-based paint; and other

hazardous materials and wastes, including those found in the soil and groundwater, which would reduce impacts to less-than-significant levels.

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

There is a Leaking Underground Storage Tank cleanup site identified in the project area that poses a risk for groundwater contamination. A Phase 1 Environmental Site Assessment was prepared for the proposed project;¹⁵ it describes the clean-up for the project site, and the ongoing remediation under the oversight of the ACDEH. The proposed project would be required to comply with the requirements for ongoing remediation related to clean-up for the project site. 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, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to hazards and hazardous materials, and none would be needed for the proposed project. SCAs related to asbestos removal; lead-based paint/coatings; PCBs; Environmental Site Assessment reports and remediation; health and safety plans; groundwater and soil contamination; hazardous materials business plans; and site review by the Fire Services Division, as identified in Table 6 at the end of the CEQA Checklist, would apply to the proposed project (for reference, these are SCAs 35, 41, 61 through 69, and 74).

¹⁵ Langan Treadwell Rollo, 2014. Phase I Environmental Site Assessment, 3093 Broadway, Oakland, California. Prepared for SRMERNST Development Partners. June 24.

<p>8. Hydrology and Water Quality Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 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 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 a small area by the easternmost part of the Plan Area along Glen Echo Creek as being located within 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 within 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 would be outside of the 100-year flood zone. The project site is entirely covered with impervious surfaces, and does not contain any landscaping, aside from the six street trees planted along the perimeter of the site. These trees would be removed, and approximately 30 trees would be replanted. The proposed project would install stormwater treatment planters in compliance with the C.3 requirements.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the BVDSP EIR. The BVDSP EIR identified no mitigation measures related to hydrology and water quality, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in the Table 6 at the end of the CEQA Checklist (for reference, these are SCAs 55, 75, 78 through 82, and 91).

9. Land Use, Plans, and Policies Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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"/>

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 Downtown Showcase 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 BVDSP designates the project site as a “large opportunity site,” meaning it is an underused property with the potential to accommodate large development that can enhance the character of the subarea. The BVDSP emphasizes development with a mix of uses that includes retail, commercial, and residential uses on the large opportunity sites. The proposed project would be consistent with the land use regulations in the BVDSP, including providing a combination of retail and residential uses and a mid-block pedestrian path between Broadway and Webster Street, at the southern edge of the site.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to land use, plans, and policies that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any SCAs or mitigation measures related to land use, and none are necessary for the proposed project.

<p>10. Noise Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>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;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Noise Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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 (FTA).	☒	☐	☐

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 and operations of development under the BVDSP would be less than significant. Construction-related activities associated with development under the BVDSP 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 that project design achieve acceptable interior noise levels for buildings; limit groundborne vibration at the project site; and require mechanical equipment 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 in traffic noise from the Existing Plus Project scenario as compared to existing conditions 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

Construction activities for the proposed project are expected to occur over approximately 24 months, and would entail partial demolition of the existing building and surface parking lot; hazardous material remediation; excavation and shoring; foundation and below-grade construction; and construction of the building and finishing interiors. In addition, project operations would use mechanical equipment, including an emergency generator. The proposed project would not be located on 24th Street or 26th Street east of Broadway, and would not be anticipated to experience significant impacts related to traffic noise.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to noise that were not identified in the BVDSP EIR. 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, and require mechanical equipment to meet applicable noise performance standards, as identified in the Table 6 at the end of the CEQA Checklist (for reference, these are SCAs 28, 29, 30, 31, 32, 39, and 57).

11. Population and Housing Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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;	☒	☐	☐
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.	☒	☐	☐

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. This would represent approximately 2 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.

Project Analysis and Conclusion

The proposed project would partially demolish the approximately 40,200-square-foot vacant existing building, which was formerly occupied by automobile repair uses, replacing it with a mixed-use residential building having 435 residential units and 24,000 square feet of retail space. This increase in residential units was addressed in the BVDSP EIR. The proposed project would not demolish or displace any existing housing units.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to population and housing that were not identified in the BVDSP EIR. 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.

<p>12. Public Services, Parks and Recreation Facilities Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<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. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Public Services, Parks and Recreation Facilities Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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 Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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's increase in demand for public services has been addressed in the BVDSP EIR. In addition, the proposed project would provide private open space for the residential units, as described in the Project Description, above. A landscaped pedestrian corridor would connect Broadway to Webster Street along the southern edge of the parcel, and would be open to the public during specified daytime hours. In addition, the proposed building would be set back 4 feet from the property line along Broadway, and store entrances and the residential lobby would be set back further, creating public open areas along the street.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to the provision of public services and parks and recreation facilities that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to population and housing, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to fire safety and compliance with building, fire, and public works code requirements, as identified in the Table 6 at the end of the CEQA Checklist (for reference, these are SCAs 4 and 73).

13. Transportation and Circulation Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, specifically:			
Traffic Load and Capacity Thresholds			
a. At a study, signalized intersection which is located outside the Downtown area and that does not provide direct access to Downtown , the project would cause the motor vehicle level of service (LOS) to degrade to worse than LOS D (i.e., LOS E or F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. At a study, signalized intersection which is located within the Downtown area or that provides direct access to Downtown , the project would cause the motor vehicle LOS to degrade to worse than LOS E (i.e., LOS F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the overall volume-to-capacity ("V/C") ratio to increase 0.03 or more or (b) the critical movement V/C ratio to increase 0.05 or more;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. At a study, unsignalized intersection the project would add ten (10) or more vehicles to the critical movement and after project completion satisfy the California Manual on Uniform Traffic Control Devices (MUTCD) peak hour volume traffic signal warrant;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. Transportation and Circulation Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
g. For a roadway segment of the Congestion Management Program (CMP) Network, the project would cause (a) the LOS to degrade from LOS E or better to LOS F or (b) the V/C ratio to increase 0.03 or more for a roadway segment that would operate at LOS F without the project; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Cause congestion of regional significance on a roadway segment on the Metropolitan Transportation System (MTS) evaluated per the requirements of the Land Use Analysis Program of the CMP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria 13a through 13h

This section of the CEQA Checklist summarizes the findings of the transportation analysis completed for the proposed project.¹⁶ The analysis is provided in two parts below as follows: the first part describes the BVDSP EIR analysis for the EIR study intersections in the vicinity of the proposed project, and the impacts identified at those intersections; the second part compares the proposed project’s impacts to those analyzed in the EIR, and provides additional analysis of project study intersections to supplement the analysis in the EIR.

BVDSP EIR Analysis and Conclusion

The BVDSP EIR analyzed transportation and circulation conditions in and around the Plan Area under existing conditions and two future scenarios (Years 2020 and 2035), with and without the BVDSP Development Program and transportation improvements. For the purposes of this analysis, these scenarios are referred to: existing conditions and existing conditions plus Development Program (full buildout of the Broadway Valdez Development Program); Year 2020 no project and Year 2020 plus Development Program (partial buildout of the Development Program); and Year 2035 no project and Year 2035 plus Development Program (full buildout of the Development Program).

This discussion focuses on level of service (LOS) impacts at key intersections in the vicinity of the proposed project. Because the EIR determined that no significant impacts to transit, pedestrian, bicycle, and other related topics would occur under any of the scenarios, these topics are not further discussed herein.

The project site is in the center of Subdistrict 5 of the North End Subarea of the Plan Area, and is designated as Project Site #24 in the BVDSP. The Development Program for the North End Subarea, Subdistrict 5 of the subarea, and Project Site #24, are shown in Table 2.¹⁷

¹⁶ CHS Consulting Group, 2014. 3093 Broadway CEQA Analysis – Final Technical Transportation Memorandum. November.

¹⁷ It is important to note that the BVDSP and BVDSP EIR represent the reasonably foreseeable maximum development allowed by the plan, and that the overall intent of the BVDSP and EIR 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.

Table 2. BVDSP Development Program for North End Subarea, Subdistrict 5, and Project Site #24

Area ¹	Multi-Family Residential Dwelling Units (ksf)	Retail (ksf)	General, Office (ksf)	Non-residential (ksf)
North End Subarea	767	321	579	899,000
Subdistrict 5 of North End Subarea				
Year 2020 (partial buildout)	341	205	179.4	358.9 ³
Year 2035 (full buildout)	445	209.5	179.4	358.9 ³
Subdistrict 5 – Project Site #24 (3093 Broadway)				
BVDSP Development Program	341	133.3	—	—

Notes:

¹ Table does not include “hotel uses,” because no such uses are planned for the North End Subarea or Subdistrict 5 of the subarea.² Medical Office uses.

ksf = 1,000 square feet of use.

Sources: City of Oakland, Broadway Valdez District Specific Plan Final EIR, Table 2-2: Broadway Valdez Development Program (pg. 2-3); Broadway Valdez Development Program – Appendix D (pg. D3); and City of Oakland, Broadway Valdez District Specific Plan Draft EIR, Table 4.13-7: Broadway Valdez Development Program by Subdistrict (pg. 4.13-37).

Table 3 provides a vehicle trip generation summary for Subdistrict 5 of the North End Subarea under Year 2020 (partial buildout) and Year 2035 (full buildout);¹⁸ the table shows the net new vehicle trips allocated to Subdistrict 5 based on the Development Program shown in Table 2. Table 3 also includes the vehicle trip generation estimate for Project Site #24.

Table 3. BVDSP Subdistrict 5 and Project Site #24 – Vehicle Trip Generation Summary

Year	Weekday a.m. Peak Hour			Weekday p.m. Peak Hour			Saturday Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Subdistrict 5 of North End Subarea									
2020	719	282	998	582	996	1,582	593	525	1,118
2035	603	268	871	495	836	1,331	495	434	929
Project Site #24 (3093 Broadway)									
—	89	163	252	390	345	735	478	445	923

Notes:

— Year not specified.

Sources: City of Oakland, Broadway Valdez District Specific Plan Draft EIR, Table 4.13-10: Broadway Valdez Development Program Trip Generation Summary by Subdistrict (pg. 4.13-43); CHS Consulting Group, 2014.

¹⁸ As noted in the BVDSP EIR, the City of Oakland anticipates that adoption and development under the BVDSP would occur over the next 20 to 25 years. Assumptions pertaining to the amount of development anticipated to be constructed by year 2020 are for analysis purposes only.

The BVDSP EIR examined the LOS at 57 intersections in the Plan Area during the weekday a.m. and p.m. peak hours. Of these 57 intersections, six EIR study intersections are in the vicinity of the project site:

- West MacArthur Boulevard/Telegraph Avenue (EIR intersection #11);
- MacArthur Boulevard/Broadway (EIR intersection #12);
- Piedmont Avenue/Broadway (EIR intersection #20);
- Hawthorne Avenue/Brook Street/Broadway (EIR intersection #21);
- 30th Street/Broadway (EIR intersection #23); and
- Hawthorne Avenue/Telegraph Avenue (EIR intersection #22).

The six EIR study intersections listed above operate at acceptable conditions (at LOS D or better) under existing conditions during the weekday p.m. peak hour.¹⁹ In addition, under the existing conditions plus Development Program, the six study intersections in proximity to the project site would continue to operate at acceptable LOS conditions. Under Year 2020 no project and Year 2020 plus Development Program, the six study intersections in proximity to the project site would also continue to operate at acceptable LOS conditions.

However, under Year 2035 plus Development Program, significant impacts would occur at West MacArthur Boulevard/Telegraph Avenue (EIR Intersection #11), because the Development Program would increase the total intersection volume-to-capacity (v/c) ratio by 0.03 or more, and increase the v/c ratio for a critical movement by 0.05 or more at an intersection that would operate at LOS F. This impact was identified as Impact TRANS-16 in the EIR. Mitigation Measure TRANS-16, identified in the EIR to address this impact, would “provide protected left-turn phase(s) for the northbound and southbound approaches; optimize signal timing; coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.” The EIR determined that with implementation of this measure, impacts would be reduced to less-than-significant levels.

In addition, under Year 2035 plus Development Program, significant impacts would also occur at Piedmont Avenue/Broadway (EIR intersection #20) and Hawthorne Avenue/Brook Street/Broadway (EIR intersection #21), because the Development Program would degrade overall intersection operations from LOS E to LOS F, and increase the intersection average delay by 4 seconds or more during the weekday p.m. peak hour. This impact was identified as Impact TRANS-20 in the EIR. Mitigation Measure TRANS-20, identified in the EIR to address this impact, states “No feasible mitigation measures are available that would mitigate the project impacts at the Piedmont Avenue/Broadway and Hawthorne Avenue/Brook Street/Broadway intersection (Intersections #20 and #21). Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a third through lane on northbound or southbound Broadway. However, these modifications cannot be accommodated within the existing automobile right-of-way, and would require additional right-of-way, and/or loss of bicycle lanes, medians, and/or on-street parking, and are considered to be infeasible.” Therefore, the EIR determined that this impact would remain significant and unavoidable.

In addition to the mitigation measures described above, 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.

¹⁹ The weekday a.m. peak hour is not described here because no study intersections adjacent to or in proximity of the project site would operate at unacceptable LOS conditions during the weekday a.m. peak hour under any of the existing or future scenarios.

Project Analysis and Conclusion

As described in the transportation analysis completed for the proposed project, the proposed project would generate approximately 174 net new vehicle trips during the weekday a.m. peak hour (36 inbound and 138 outbound), and approximately 332 net new vehicle trips during the weekday p.m. peak hour (196 inbound and 136 outbound).²⁰ LOS impacts from the proposed project are described below.

The transportation analysis completed for the proposed project determined that the project would not result in any significant impacts to vehicle queuing at the parking garages, transit, pedestrian, bicycle, and loading, consistent with the findings of the BVDSP EIR, as described above.

Comparison of Project with the Development Program Analyzed in the BVDSP EIR. As shown in Table 3 above, the full buildout of the Development Program (Year 2035) in Subdistrict 5 of North End Subarea would generate approximately 871 vehicle trips during the a.m. peak hour and approximately 1,331 vehicle trips during the p.m. peak hour. Based on the transportation analysis prepared for the proposed project, the vehicle trips generated by the project would represent between 20 percent and 25 percent of the weekday a.m. and p.m. peak-hour vehicle trips, respectively. Additionally, the Development Program for Project Site #24 (3093 Broadway) would result in approximately 252 vehicle trips during the a.m. peak hour, and 735 vehicle trips during the p.m. peak hour, as shown in Table 3. The proposed project would generate approximately 78 fewer vehicle trips during the weekday a.m. peak hour, and approximately 403 fewer vehicle trips during the weekday p.m. peak hour, which represents approximately 69 percent and 45 percent of the Development Program for Project Site #24 during a.m. and p.m. peak hours, respectively. Therefore, the proposed project's trip generation would be below the trips anticipated for the project site and for Subdistrict 5 as analyzed in the BVDSP EIR for the Development Program.

As described above, all of the EIR study intersections in the vicinity of the proposed project would continue to operate at acceptable LOS conditions under the existing conditions plus Development Program and Year 2020 plus Development Program.

Under Year 2035 plus Development Program, all of the EIR study intersections listed above would continue to operate at acceptable LOS conditions, except West MacArthur Boulevard/Telegraph Avenue (EIR Intersection #11), Piedmont Avenue/Broadway (EIR intersection #20), and Hawthorne Avenue/Brook Street/Broadway (EIR intersection #21).

As described above, the EIR identified a significant impact (Impact TRANS-16) at the intersection of West MacArthur Boulevard/Telegraph Avenue, which would be reduced to a less-than-significant levels with implementation of Mitigation Measure TRANS-16. The transportation analysis completed for the proposed project found that Mitigation Measure TRANS-16 may be required at West MacArthur Boulevard/Telegraph Avenue (EIR Intersection #11) by 2030. The transportation analysis completed for the proposed project determined the project's contribution to Impact TRANS-16, is as follows:

- At the intersection of West MacArthur Boulevard/Telegraph Avenue (EIR Intersection #11), the proposed project would add 8 vehicles to the northbound left-turn lane critical movement, which would represent 3 percent of the total p.m. peak-hour volumes for this critical movement. The

²⁰ The net new trips generated by the proposed project is an estimate of the number of person-automobile trips, based on the proposed uses for the site, and is adjusted to account for the existing uses on the site. CHS Consulting Group, 2014. 3093 Broadway CEQA Analysis – Final Technical Transportation Memorandum. November.

proposed project would not add any vehicles to the southbound left-turn lane critical movement. The proposed project would add 47 vehicles to the entire intersection, which would represent 1 percent of the total p.m. peak-hour volume for this intersection.

The EIR also identified a significant impact (Impact TRANS-20) at the intersections of Piedmont Avenue/Broadway and Hawthorne Avenue/Brook Street/Broadway; this impact would remain significant and unavoidable, because Mitigation Measure TRANS-20 was determined to be infeasible. Based on the transportation analysis completed for the proposed project, the project's contribution to Impact TRANS-20, is as follows:

- At the intersection of Piedmont Avenue/Broadway (EIR intersection #20), the proposed project would add 41 vehicles to the northbound lane through critical movement, and 59 vehicles to the southbound lane through critical movement, which would represent 3 percent and 6 percent of the total p.m. peak-hour volume for these critical movements, respectively. The proposed project would add 100 vehicles to the entire intersection, which would represent 4 percent of the total p.m. peak-hour volume for this intersection.
- At the intersection of Hawthorne Street/Brook Street/Broadway (EIR intersection #21), the proposed project would add 63 vehicles to the northbound left-turn critical movement and 41 vehicles to the eastbound shared left-through critical movement, which would represent 82 percent and 14 percent of the total p.m. peak-hour volume for these critical movements, respectively. The proposed project would add 207 vehicles to the entire intersection, which would represent 8 percent of the total p.m. peak-hour volume for this intersection.

Additional Project Study Intersections. In addition to the six EIR study intersections described above, three additional intersections in the immediate project vicinity were evaluated in the transportation analysis completed for the proposed project. These intersections are:

- Hawthorne Avenue(East)/Webster Street (project intersection #1);
- Hawthorne Avenue (West)/Webster Street (project intersection #2); and
- 30th Street/Webster Street (project intersection #3).

As shown in Table 4, the proposed project would result in minor changes to the average delay per vehicle at these three intersections. All of the study intersections operate satisfactorily (LOS B or better) during the a.m. and p.m. peak hour under existing conditions, and would continue to operate at the same LOS under existing plus proposed project conditions.

Similarly, under Year 2035 plus proposed project, the proposed project would result in minor changes to the average delay per vehicle at the project intersections.²² As shown in Table 5, all of the project study intersections would continue to operate satisfactorily (LOS B or better) during the a.m. and p.m. peak hour under both the Year 2035 no project and Year 2035 plus proposed project conditions.

²¹ The intersection of Hawthorne Avenue/Webster Street is an off-set intersection, with varying traffic controls at each approach along Hawthorne Avenue at Webster Street. For the purposes of conducting LOS analysis, the intersection was divided into two intersections, based on the two approaches: Hawthorne Avenue (East) represents the east-leg approach at the off-set intersection, and Hawthorne Avenue (West) represents the west-leg approach at the off-set intersection.

²² Because the proposed project would generate fewer trips than the BVDSP Development Program under Year 2020, and because the BVDSP EIR did not identify any significant impacts under Year 2020 for the six EIR intersections described above, the proposed project would not result in any new transportation-related impacts under Year 2020, and the transportation analysis completed for the proposed project only assessed Year 2035 cumulative conditions.

Table 4. Existing and Existing Plus Proposed Project – Intersection LOS Summary

Intersection	Traffic Control ¹	a.m. Peak Hour		p.m. Peak Hour	
		Delay ²	LOS ²	Delay ²	LOS ²
1. Hawthorne Avenue (East)/Webster Street	SSSC				
Existing Conditions		10.3 (WB)	B	10.1 (WB)	B
Existing Plus Proposed Project		11.6 (WB)	B	12.0 (WB)	B
2. Hawthorne Avenue (West)/Webster St	AWSC				
Existing Conditions		8.0 (SB)	A	8.0 (SB)	A
Existing Plus Proposed Project		8.4 (SB)	A	8.5 (SB)	A
3. 30th Street/Webster Street³	Signal				
Existing Conditions		13.2	B	13.8	B
Existing Plus Proposed Project		13.4	B	14.2	B

Notes:

1. Signal = signalized intersection; AWSC = All-Way STOP-Control intersection; Side-Street STOP-Control intersection.
2. For signalized intersections, average intersection delay and LOS are based on the 2000 HCM method as shown. For AWSC and SSSC intersections, delays for worst movement average intersection delay are shown: intersection average (worst approach).
3. It is noted that this intersection was analyzed using the current signal timing data provided by City staff; however, the signal timing at this intersection would be modified and upgraded as part of the AC Transit Line 51 project, which will provide semi-actuation, new controllers, and fiber inter-connect for the Broadway corridor.

Source: CHS Consulting Group, 2014.

Table 5. Year 2035 and Year 2035 Plus Proposed Project – Intersection LOS Summary

Intersection	Traffic Control ¹	a.m. Peak Hour		p.m. Peak Hour	
		Delay ²	LOS ²	Delay ²	LOS ²
1. Hawthorne Avenue (East)/Webster Street	SSSC				
Year 2035 No Project		11.8 (WB)	B	11.4 (WB)	B
Year 2035 Plus Proposed Project		14.0 (WB)	B	14.5 (WB)	B
2. Hawthorne Avenue (West)/Webster Street	AWSC				
Year 2035 No Project		8.7 (SB)	A	8.4 (SB)	A
Year 2035 Plus Proposed Project		9.3 (SB)	A	9.4 (SB)	A
3. 30th Street/Webster Street	Signal				
Year 2035 No Project		14.0	B	14.5	B
Year 2035 Plus Proposed Project		14.2	B	14.9	B

Notes:

1. Signal = signalized intersection; AWSC = All-Way STOP-Control intersection; Side-Street STOP-Control intersection.
2. For signalized intersections, average intersection delay and LOS based on the 2000 HCM method as shown. For AWSC and SSSC intersections, delays for worst movement average intersection delay are shown: intersection average (worst approach).

Source: CHS Consulting Group, 2014.

Therefore, the proposed project would not result in significant impacts to the project study intersections, either under the existing plus proposed project conditions or Year 2035 plus proposed project conditions.

Conclusion. Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to transportation and circulation that were not identified in the BVDSP EIR. The proposed project would be required to implement Mitigation Measure TRANS-16 to address cumulative impacts described in the EIR for West MacArthur Boulevard/Telegraph Avenue (EIR intersection #11).

The proposed project would implement recommended improvement measures identified in the transportation analysis completed for the proposed project related to vehicle queuing, pedestrian circulation, and loading, as identified in Table 7, at the end of the CEQA Checklist.

In addition, 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 Table 6, at the end of the CEQA Checklist (for reference, these are SCAs 20, 21, 25, and 33).

14. Utilities and Service Systems Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Utilities and Service Systems Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 recycle,

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 water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy associated with the proposed project, have been addressed in the BVDSP EIR analysis.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to utilities and service systems, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to sewer capacity, stormwater drainage facilities, solid waste services, and energy, as identified in the Table 6 at the end of the CEQA Checklist (for reference, these are 36, 75, 80, 91, and H).

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

BVDSP Mitigation Measures
Cultural Resources
<p>Mitigation Measure CUL-1(a) : Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</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>Mitigation Measure CUL-1(c): Recordation and Public Interpretation</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> <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 historical 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. <p>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>
<p>Mitigation Measure CUL-1(d): Financial Contributions</p> <p>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.</p> <p>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> <p>Only avoidance of direct effects to historical resources, as would be achieved through measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), and measure “b” (Future Site-specific Surveys and Evaluations) would reduce the impacts to historical resources to a less-than-significant level. Therefore, if demolition or substantial alteration of historically significant resources is identified by the City as the only feasible option for development in the Plan Area, even with implementation of measure “c” (Recordation and Public Interpretation) and measure “d” (Financial Contributions), the impact of adoption of and development under the Specific Plan would be considered significant and unavoidable.</p>
Mitigation Measure CUL-5: Implement Mitigation Measure CUL-1

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

Transportation and Circulation
<p>Mitigation Measure TRANS-16: Implement the following measures at the West MacArthur Boulevard/Telegraph Avenue intersection:</p> <ul style="list-style-type: none"> • Provide protected left-turn phase(s) for the northbound and southbound approaches. • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2030. Investigation of the need for this mitigation shall be studied at that time and every 3 years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>After implementation of this measure, the intersection would continue to operate at LOS F during the weekday p.m. peak hour. However, the mitigation measure would reduce the total intersection v/c ratio to less than under 2035 No Project conditions and the increase in v/c ratio for a critical movement to 0.03 or less. No secondary impacts would result from implementation of this measure.</p>

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

Standard Conditions of Approval²³
<p>Standard Condition of Approval 4: <i>Conformance with Other Requirements</i></p> <p>a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in SCA 3, Scope of This Approval, Major and Minor Changes.</p> <p>b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.</p>
<p>Standard Condition of Approval 12: <i>Required Landscape Plan for New Construction and Certain Additions to Residential Facilities</i></p> <p>Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform to all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:</p> <p>a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.</p> <p>b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.</p> <p>c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.</p> <p>d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.</p>
<p>Standard Condition of Approval 13: <i>Landscape Requirements for Street Frontages (Residential Construction)</i></p> <p>a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.</p> <p>b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.</p>
<p>Standard Condition of Approval 15: <i>Landscape Maintenance (Residential Construction)</i></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. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>
<p>Standard Condition of Approval 17: <i>Landscape Requirements for Street Frontages (Commercial and Manufacturing)</i></p> <p>On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.</p>

²³ All Standard Conditions of Approval are numbered as referenced in the BVDSP EIR.

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>Standard Condition of Approval 18: <i>Landscape Maintenance (Commercial and Manufacturing)</i></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. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>
<p>Standard Condition of Approval 19: <i>Underground Utilities</i></p> <p>Prior to issuance of a building permit, the project applicant for projects under the Specific Plan shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.</p>
<p>Standard Condition of Approval 20: <i>Improvements in the Public Right-of-Way (General)</i></p> <p><i>Approved prior to the issuance of a P-job or building permit</i></p> <p>a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and/or mitigations and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.</p> <p>b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.</p> <p>c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.</p> <p>d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.</p>
<p>Standard Condition of Approval 21: <i>Improvements in the Public Right-of-Way (Specific)</i></p> <p><i>Approved prior to the issuance of a grading or building permit.</i> Final building and public improvement plans submitted to the Building Services Division shall include the following components:</p> <p>a) Install additional standard City of Oakland streetlights.</p> <p>b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.</p> <p>c) Reconstruct drainage facility to current City standard.</p> <p>d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.</p> <p>e) Construct wheelchair ramps that comply with Americans with Disabilities Act requirements and current City Standards.</p> <p>f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.</p> <p>g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.</p>
<p>Standard Condition of Approval 25: <i>Parking and Transportation Demand Management</i></p> <p>This SCA would apply to development projects under the Specific Plan generating 50 or more net new a.m. or p.m. peak hour vehicle trips.</p> <p><i>Prior to issuance of a final inspection of the building permit.</i></p> <p>The project applicant shall submit a Transportation and Parking Demand Management (TDM) for review and approval by the City. The intent of the TDM plan shall be to 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. The goal of the TDM shall be to achieve the following project vehicle trip reductions (VTR):</p> <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 <p>The TDM plan shall include strategies to increase pedestrian, bicycle, transit, and carpool use, and reduce parking demand. All four modes of travel shall be considered, as appropriate. VTR strategies to consider include, but are not limited to, the following:</p>

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>a. 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 Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.</p> <p>b. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping.</p> <p>c. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.</p> <p>d. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</p> <p>e. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.</p> <p>f. 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).</p> <p>g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.</p> <p>h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows:</p> <ol style="list-style-type: none"> 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). <p>i. Guaranteed ride home program for employees, either through 511.org or through separate program.</p> <p>j. Pre-tax commuter benefits (commuter checks) for employees.</p> <p>k. 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.</p> <p>l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.</p> <p>m. 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.</p> <p>n. Parking management strategies; including attendant/valet parking and shared parking spaces.</p> <p>o. Requiring tenants to provide opportunities and the ability to work off-site.</p> <p>p. 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).</p> <p>q. 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> <p>The TDM Plan shall indicate the estimated VTR for each strategy proposed based on published research or guidelines. 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>The project applicant shall implement the approved TDM Plan on an ongoing basis. 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 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. 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>
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Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)**Standard Condition of Approval 28:** *Days/Hours of Construction Operation: Ongoing throughout demolition, grading, and/or construction*

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

- a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

Standard Condition of Approval 29: *Noise Control: Ongoing throughout demolition, grading, and/or construction*

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

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

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Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>Standard Condition of Approval 30: <i>Noise Complaint Procedures: Ongoing throughout demolition, grading, and/or construction</i></p> <p>Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours); b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours); c) The designation of an on-site construction complaint and enforcement manager for the project; d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
<p>Standard Condition of Approval 31: <i>Interior Noise: Prior to issuance of a building permit</i></p> <p>If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies would depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:</p> <ul style="list-style-type: none"> a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit. c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following: <ul style="list-style-type: none"> i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis. ii. Prohibition of Z-duct construction.
<p>Standard Condition of Approval 32: <i>Operational Noise (General): Ongoing</i></p> <p>Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.</p>

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)**SCA 33: Construction Traffic and Parking**

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

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

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the project sponsor's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the project sponsor's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

Standard Condition of Approval 35: Hazards Best Management Practices: Prior to the commencement of demolition, grading, or construction

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

- a) Follow manufacturers' recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

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Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>Standard Condition of Approval 36: <i>Waste Reduction and Recycling</i></p> <p>The project applicant will submit a Construction and Demolition WRRP and an Operational Diversion Plan (ODP) for review and approval by the Public Works Department.</p> <p>Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include:</p> <ul style="list-style-type: none"> - All New Construction; - All Alterations, Renovations, Repairs, or Modifications with construction value of \$50,000 or greater, excluding R-3; - All Demolition, including Soft Demo, and excluding R-3; <p>Applicants must complete a Waste Reduction and Recycling Plan (WRRP) as part of the Building Permit Application process to detail the plan for salvaging and recycling C&D debris generated during the course of the project. Standards current at the time of this writing call for salvage and/or recycling 100% of asphalt and concrete, and at least 65% of all remaining debris. These rates are subject to administrative adjustment and Applicants must follow the standards published at the time of building permit application. The City will not issue an affected permit without an approved WRRP on file.</p> <p>Upon approval of the WRRP and issuance of the permit(s), the Applicant shall execute the plan. Prior to the Final Inspection, Temporary Certificate of Occupancy or Certificate of Occupancy, the Applicant must complete and obtain approval of a Construction and Demolition Summary Report (CDSR). The CDSR documents the salvage, recycling and disposal activities that took place during the project. The CDSR must include documentation, such as scale tickets, that support the data provided in the CDSR. Additional information is available at: http://www2.oaklandnet.com/Government/o/PWA/o/FE/s/GAR/OAK024368</p> <p>The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current City recycling standards for materials generated by operation of the proposed project. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility, and conform with the requirements of the Alameda County Mandatory Recycling Ordinance. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>
<p>Standard Condition of Approval 39: <i>Pile Driving and Other Extreme Noise Generators: Ongoing throughout demolition, grading, and/or construction</i></p> <p>To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <ol style="list-style-type: none"> a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.
<p>Standard Condition of Approval 40: <i>Lighting Plan</i></p> <p>The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Department for review and approval. All lighting shall be architecturally integrated into the site.</p>
<p>Standard Condition of Approval 41: <i>Asbestos Removal in Structures: Prior to issuance of a demolition permit</i></p> <p>If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.</p>

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<p>Standard Condition of Approval 44: <i>Tree Removal During Breeding Season</i></p> <p>Prior to issuance of a tree removal permit. To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Department. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>
<p>Standard Condition of Approval 45: <i>Tree Removal Permit: Prior to issuance of a demolition, grading, or building permit</i></p> <p>Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Department, and abide by the conditions of that permit.</p>
<p>Standard Condition of Approval 46: <i>Tree Replacement Plantings: Prior to issuance of a final inspection of the building permit</i></p> <p>Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</p> <ol style="list-style-type: none"> 1) 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. 2) Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye) or <i>Umbellularia californica</i> (California Bay Laurel) or other tree species acceptable to the Tree Services Division. 3) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. 4) Minimum planting areas must be available on site as follows: <ul style="list-style-type: none"> - For <i>Sequoia sempervirens</i>, three hundred fifteen square feet per tree; - For all other species listed in #2 above, seven hundred (700) square feet per tree. 5) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the City may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians. 6) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.
<p>Standard Condition of Approval 47: <i>Tree Protection during Construction: Prior to issuance of a demolition, grading, or building permit</i></p> <p>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"> 1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. 2) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. 3) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such

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<p>substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>4) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>5) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department of such damage. 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>6) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>
<p>Standard Condition of Approval 52: Archaeological Resource: Ongoing throughout demolition, grading, and/or construction</p> <p>a. Pursuant to CEQA Guidelines section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>b. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.</p> <p>c. Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.</p> <p>d. Archaeological Resources – Sensitive Areas. Prior to issuance of a demolition, grading, or building permit, the project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision D (Construction ALERT Sheet). However, if in either case a high potential presence of historic-period archaeological resources on the project site is indicated, or a potential resource is discovered, the project applicant shall also implement all of the following provisions:</p> <ul style="list-style-type: none"> • Provision B (Construction-Period Monitoring), • Provision C (Avoidance and/or Find Recovery), and • Provision D (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Study was originally implemented per Provision A, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction ALERT Sheet was originally implemented per Provision D). <p>Provision A through Provision D are detailed as follows:</p> <ul style="list-style-type: none"> • <i>Provision A: Intensive Pre-Construction Study</i> – The project applicant, upon approval from the City Planning and Zoning Division, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning and Zoning Division. If prepared, at a minimum, the study shall include: <ul style="list-style-type: none"> – An intensive cultural resources study of the project site, including subsurface presence/absence studies, of the project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources;

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- A report disseminating the results of this research;
- Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see Provision B, Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the project site (see Provision D, Construction ALERT Sheet, below).

- *Provision B: Construction-Period Monitoring* – Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet, require per Provision D, Construction ALERT Sheet, below) and the procedures to follow if any are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to Provision C, Avoidance and/or Find Recovery, discussed below), would be required to reduce the impact to less than significant. The project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the project site throughout construction.
- *Provision C: Avoidance and/or Find Recovery* – If a significant archaeological resource is present that could be adversely impacted by the proposed project, the project applicant of the specific project site shall either:
 - Stop work and redesign the proposed project to avoid any adverse impacts on significant archaeological resource(s); or,
 - If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning and Zoning Division for review and approval. 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 practical. The project applicant shall implement the ARDTP. 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.
- *Provision D: Construction ALERT Sheet* – The project applicant, upon approval from the City Planning and Zoning Division, may choose to prepare a construction ALERT sheet prior to soil-disturbing activities occurring on the project site, instead of conducting site-specific, intensive archaeological resources pursuant to Provision A, above. The project applicant shall submit for review and approval by the City prior to subsurface construction activity an “ALERT” sheet prepared by a qualified archaeologist with visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor; any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving); and/or utilities firm involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, that in the event of discovery of the following cultural materials, all work must be stopped in the area and the City’s Environmental Review Officer contacted to evaluate the find: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.

Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel.

If the project applicant chooses to implement Provision D, Construction ALERT Sheet, and a potential resource is discovered on the project site during ground disturbing activities during construction, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see Provision B, Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses the potential resource(s) and other possible resources based on the discovered find found on the project site.

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<p>Standard Condition of Approval 53: <i>Human Remains: Ongoing throughout demolition, grading, and/or construction</i></p> <p>In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.</p>
<p>Standard Condition of Approval 54: <i>Paleontological Resources: Ongoing throughout demolition, grading, and/or construction</i></p> <p>In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>
<p>Standard Condition of Approval 55: <i>Erosion and Sedimentation Control Plan: Prior to any grading activities</i></p> <p>The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities.</i> The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>
<p>Standard Condition of Approval 57: <i>Vibrations Adjacent to Historic Structures: Prior to issuance of a demolition, grading or building permit</i></p> <p>The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage other nearby historic structures, and design means and methods of construction that shall be utilized to not exceed the thresholds.</p>
<p>Standard Condition of Approval 58: <i>Soils Report: Required as part of the submittal of a Tentative Tract or Tentative Parcel Map</i></p> <p>A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <p>a) Logs of borings and/or profiles of test pits and trenches:</p> <ol style="list-style-type: none"> 1) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. 2) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. 3) All boring logs shall be included in the soils report. <p>b) Test pits and trenches</p>

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<p>1) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</p> <p>2) Soils profiles of all test pits and trenches shall be included in the soils report.</p> <p>c) A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</p> <p>d) Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>e) A written Soils Report shall be submitted which shall include but is not limited to the following:</p> <ol style="list-style-type: none"> 1) Site description 2) Local and site geology 3) Review of previous field and laboratory investigations for the site 4) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building. 5) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist. 6) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required. 7) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report. 8) All other items which a Soils Engineer deems necessary. 9) The signature and registration number of the Civil Engineer preparing the report. <p>f) The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p>
<p>Standard Condition of Approval 60: <i>Geotechnical Report: Required as part of the submittal of a tentative Tract Map or tentative Parcel Map</i></p> <p>a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:</p> <ol style="list-style-type: none"> 1) Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults. 2) The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks). 3) The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland. 4) The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge. 5) Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project. 6) Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project. 7) A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces. <p>b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>

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<p>Standard Condition of Approval 61: <i>Site Review by Fire Services Division: Prior to the issuance of demolition, grading or building permit</i></p> <p>The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.</p>
<p>Standard Condition of Approval 62: <i>Phase I and/or Phase II Reports</i></p> <p>Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I Environmental Site Assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p>
<p>Standard Condition of Approval 63: <i>Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment: Prior to issuance of any demolition, grading or building permit</i></p> <p>The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.</p>
<p>Standard Condition of Approval 64: <i>Environmental Site Assessment Reports Remediation: Prior to issuance of any demolition, grading or building permit</i></p> <p>If the Environmental Site Assessment reports recommend remedial action, the project applicant shall:</p> <ol style="list-style-type: none"> Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. <p>Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II Environmental Site Assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</p>
<p>Standard Condition of Approval 65: <i>Lead-based Paint Remediation: Prior to issuance of any demolition, grading or building permit</i></p> <p>If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.</p>
<p>Standard Condition of Approval 66: <i>Other Materials Classified as Hazardous Waste: Prior to issuance of any demolition, grading or building permit</i></p> <p>If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.</p>
<p>Standard Condition of Approval 67: <i>Health and Safety Plan per Assessment: Prior to issuance of any demolition, grading or building permit</i></p> <p>If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</p>

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<p>Standard Condition of Approval 68: <i>Best Management Practices for Soil and Groundwater Hazards</i></p> <p>The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards:</p> <ol style="list-style-type: none"> Soil generated by construction activities shall be stockpiled onsite 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 agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland. Groundwater pumped from the subsurface shall be contained onsite 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 of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources); Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.
<p>Standard Condition of Approval 69: <i>Radon or Vapor Intrusion from Soil or Groundwater Sources: Ongoing</i></p> <p>The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.</p>
<p>Standard Condition of Approval 73: <i>Fire Safety</i></p> <p>The project applicant and construction contractor will ensure that during project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.</p>
<p>Standard Condition of Approval 74: <i>Hazardous Materials Business Plan: Prior to issuance of a business license</i></p> <p>The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported and disposed.

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<p>Standard Condition of Approval 75: <i>Stormwater Pollution Prevention Plan: Prior to and ongoing throughout demolition, grading, and/or construction activities</i></p> <p>The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>
<p>Standard Condition of Approval 78: <i>Site Design Measures for Post-Construction Stormwater Management: Prior to issuance of building permit (or other construction-related permit)</i></p> <p>The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Minimize impervious surfaces, especially directly connected impervious surfaces; Utilize permeable paving in place of impervious paving where appropriate; Cluster buildings; Preserve quality open space; and Establish vegetated buffer areas. <p><i>Ongoing.</i> The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.</p>
<p>Standard Condition of Approval 79: <i>Source Control Measures to Limit Stormwater Pollution: Prior to issuance of building permit (or other construction-related permit)</i></p> <p>The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p> <p><i>Ongoing.</i> The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p>
<p>Standard Condition of Approval 80: <i>Post-construction Stormwater Management Plan: Prior to issuance of building permit (or other construction-related permit)</i></p> <p>The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <ol style="list-style-type: none"> The post-construction stormwater management plan shall include and identify the following: <ol style="list-style-type: none"> All proposed impervious surface on the site; Anticipated directional flows of on-site stormwater runoff; and Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and Source control measures to limit the potential for stormwater pollution; Stormwater treatment measures to remove pollutants from stormwater runoff; and Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit. The following additional information shall be submitted with the post-construction stormwater management plan: <ol style="list-style-type: none"> Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and Pollutant removal information demonstrating that any proposed manufactured/ mechanical (i.e., non-landscape-based)

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Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.</p> <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p> <p><i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater management plan.</p>
<p>Standard Condition of Approval 81: <i>Maintenance Agreement for Stormwater Treatment Measures: Prior to final zoning inspection</i></p> <p>For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following: The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>
<p>Standard Condition of Approval 82: <i>Erosion, Sedimentation, and Debris Control Measures: Prior to issuance of demolition, grading, or construction-related permit</i></p> <p>The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMPs for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:</p> <ol style="list-style-type: none"> On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek. In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, storm drains.</p> <p>l) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the RWQCB.</p> <p>m) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.</p> <p>n) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.</p>
<p>Standard Condition of Approval 91: <i>Stormwater and Sewer</i></p> <p>Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>
<p>Standard Condition of Approval A: <i>Construction-Related Air Pollution Controls (Dust and Equipment Emissions): Ongoing throughout demolition, grading, and/or construction</i></p> <p>During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the BAAQMD:</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>f) Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>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.</p> <p>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 idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.)</p> <p>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.</p> <p>j) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.</p> <p>k) 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.</p>

Table 6: Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval

Table 6. Applicable BVDSP EIR Mitigation Measures and City of Oakland Standard Conditions of Approval (Continued)

<p>l) 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>m) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>n) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>p) 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>q) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize windblown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>r) 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>s) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>t) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>u) 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>v) Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>w) 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. The project applicant shall provide written documentation that the fleet requirements have been met.</p> <p>x) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>y) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.</p> <p>z) Off-road heavy diesel engines shall meet the CARB’s most recent certification standard.</p>
<p>Standard Condition of Approval H: <i>Green Building for Residential Structures and Non-residential Structures</i></p> <p>SCA H applies to certain projects that would construct single or multi-family dwellings or modifications of existing uses. SCA H requires that the applicant comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance. SCA H is initially presented in Section 4.14, Utilities and Service Systems. The Green Building Ordinance establishes checklist requirements for developers based on LEED or Build it Green. LEED certification requires a 10 percent reduction in the Title 24 energy standards which are reflected in Table 4.6-3.</p>

Table 7: Recommended Improvement Measures

Table 7. Recommended Improvement Measures

<p>Air Quality</p>
<p>BVDSP EIR - Recommended Measure AIR-1: During construction, the project applicant shall require the construction contractor to use prefinished materials and colored stucco, as feasible.</p>
<p>BVDSP EIR - Recommended Measure AIR-2: The following measures identified in the 2012 BAAQMD CEQA Guidelines for specific development projects in excess of 50,000 square feet or 325 dwelling units are recommended to be considered and if determined feasible, implemented for those projects:</p> <ul style="list-style-type: none"> • Establish a dedicated employee transportation coordinator for each specific development as a condition of occupancy permit/tenancy contract; • Increase building energy efficiency by 20 percent beyond 2008 Title 24 (reduces NO_x related to natural gas combustion); • Require use of electrically powered landscape equipment; • Require only natural gas hearths in residential units as a condition of final building permit; • Use low VOC architectural coatings in maintaining buildings; • Require smart meters and programmable thermostats; and • Install solar water heaters for all uses.
<p>Transportation and Circulation</p>
<p>Vehicle Queuing Recommended Improvement – As an improvement measure to reduce the potential for queuing of vehicles accessing the project site, it shall be the responsibility of the project sponsor/property owner to ensure that recurring vehicle queues do not occur on Hawthorne Avenue, adjacent to the project site. A vehicle queue is defined as one or more vehicles (destined to the proposed parking garage) blocking any portion of the Hawthorne Avenue sidewalk or travel lane on any adjacent street (Webster Street, Broadway) for a consecutive period of three minutes or longer on a daily basis.</p> <p>It shall be the responsibility of the owner/operator of any off-street parking facility to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</p> <p>Suggested abatement methods include but are not limited to the following:</p> <ul style="list-style-type: none"> • Travel demand management strategies such as additional bicycle parking; and/or • Parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking. <p>If a recurring queue is present upon completion of the proposed project and the building is either partially or fully occupied (as determined by the City of Oakland), City staff shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant shall prepare a monitoring report to be submitted to the City for review. If the City determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>
<p>Pedestrian Recommended Improvement – To reduce and/or eliminate potential pedestrian-vehicle conflicts, it is recommended that the Project Sponsor install visual and audible devices at both parking garage driveways, which would notify pedestrians of exiting vehicles, and Project Sponsor shall not install street trees at or near the driveways to maintain adequate sight distances and visual clearance for pedestrians walking along the south side sidewalk of Hawthorne Avenue and vehicles entering/exiting the project driveways. Such measures would reduce and/or eliminate potential conflicts between vehicles and pedestrians along Hawthorne Avenue.</p>
<p>Loading Recommended Improvement – To reduce the potential for parking of residential moving vehicles and/or freight and delivery vehicles within the travel lane adjacent to the curb lane on Hawthorne Avenue (in the event that the off-street loading spaces are occupied or the truck is too large to be accommodated within the space[s]), residential move-in and move-out activities and larger freight deliveries shall be scheduled and coordinated through building management. For retail/restaurant uses, appropriate delivery times shall be scheduled and shall be restricted to occur before 7:00 a.m., and between the hours of 10:00 a.m. and 4:00 p.m., and no deliveries shall between 4:00 p.m. and 6:00 p.m. to avoid any conflicts with vehicle traffic and other users (e.g., pedestrians, bicyclists) during peak commute hours. In addition, the Project Sponsor shall enforce strict truck size regulations for use of the off-street loading spaces in the proposed loading spaces. Truck lengths exceeding the off-street loading space dimensions shall be prohibited from entering these spaces and shall use curbside space along Hawthorne Avenue, adjacent to the project site. Appropriate signage shall be located at the loading space entrances to notify drivers of truck size regulations and notify drivers to use the curbside space on Hawthorne Avenue, as necessary. The Project Sponsor shall notify building management and related staff, and retail/restaurant tenants of imposed truck size limits in the proposed freight loading area.</p> <p>Furthermore, appropriate move-in/move-out and loading procedures shall be enforced to avoid any blockages of any streets adjacent to the project site over an extended period of time and reduce any potential conflicts between other vehicles and users of adjacent streets as well as movers and pedestrians walking along Hawthorne Avenue, or any adjacent street (e.g., Broadway, Webster Street).</p>

ATTACHMENT A: PROJECT CONSISTENCY WITH COMMUNITY PLAN 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."

Proposed Project. The proposed project would be located in the Broadway Valdez District Specific Plan (BVDSP) area. The proposed project would demolish the majority of the existing Connell GMC Pontiac Cadillac/Bay City Chevrolet building (Connell Building), which is considered a historical resource for the purposes of the CEQA²⁴, and would partially adaptively reuse the prominent front showroom of the Connell Building at the corner of Broadway and Hawthorne Avenue, by integrating it into the proposed new mixed-use building. The new building would be approximately 666,174 square feet, with seven stories, and would be up to 85 feet in height. The proposed project would include 360,000 square feet of residential uses (435 residential units) and 24,000 square feet of ground-floor commercial space on Broadway.

Project Consistency. The BVDSP EIR was prepared for the BVDSP; it was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014. As determined by the City of Oakland Bureau of Planning, the proposed project is permitted in the zoning district in which it is located, and is consistent with the bulk, density, and land uses envisioned in the Plan Area, as outlined below.

- The land use designation for the site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland's major corridors, and in shopping districts or centers. The proposed mixed-use project would be consistent with this designation.
- The site is zoned for D-BV-3 (Mixed-Use Boulevard Zone) and D-BV-4 (Mixed-Use Zone), with an N-North Large Development Site Combining Zone overlay. The proposed project would be consistent with the purposes of these districts, which are generally intended to create a "complete" neighborhood that includes destination retail, as well as a mix of retail, entertainment, office, and residential uses to allow residents to live within a short walk or transit ride to work, shop, and play. They are intended to be pedestrian, bicycle, and transit friendly districts that can continue to accommodate automobiles in a managed way.
- The proposed project would be up to 85 feet in height, and would be in compliance with the height limits on the site, which are 85 feet along the Broadway frontage and 135 feet along the Webster Street frontage.
- The proposed 435 dwelling units would be below the maximum residential density of 583 dwelling units allowed on the project site without a CUP.
- The proposed 24,000 square feet of nonresidential uses is below the maximum nonresidential square footage of uses allowed on the site, conservatively estimated to be 673,875 square feet. Therefore, the

²⁴ ESA (Environmental Science Associates), 2009. Appendix D, Broadway Valdez Specific Plan, Oakland, Alameda County, California, Historic Resources Inventory Report. July.

proposed project would comply with the amount of nonresidential FAR allowed under the Planning Code.

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.

ATTACHMENT B: 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 B-1, on the pages following, shows how the proposed project satisfies each of the applicable requirements.

Table B-1 Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
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])	Yes The project site has been previously developed with automobile repair and sales uses; and adjoins existing urban uses, as described in the Project Description, above.
2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:	—
2a. <i>Performance Standards Related to Project Design.</i> All projects must implement all of the following:	—
Renewable Energy. <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. <i>Residential Projects.</i> Residential projects are also encouraged to include such on site renewable power generation.	Not Applicable 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 residential, the proposed project is not required to include onsite renewable power generation. It is not known at this time if the proposed project will provide onsite renewable power.
Soil and Water Remediation. 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.	Yes According to the Phase 1 Environmental Site Assessment completed for the proposed project (Langan Treadwell Rollo, 2014), the site is listed in regulatory databases compiled pursuant to Section 65962.5 of the Government Code. Remediation and clean-up are ongoing under the Alameda County Department of Environmental Health.
Residential Units Near High-Volume Roadways and Stationary Sources. 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	Yes Per the findings of the Broadway Valdez District Specific Plan (BV DSP) Environmental Impact Report (EIR), an air quality screening was prepared for the proposed project. ²⁵ As described therein, the nearest "high-volume roadway" with 100,000 vehicles per day, as defined by Section II of CEQA Appendix M, is Interstate 580 (I-580). I-580 is

²⁵ URS Corporation, 2014. 3093 Broadway Project – Final Air Quality Screening Analysis per the Broadway Valdez District Specific Plan Environmental Impact Report Technical Memorandum. October.

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>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>630 feet from the project site. There are no other significant sources of air pollution in the project vicinity. 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.^a</p>	<p>—</p>
<p>Residential. A residential project must meet one of the following:</p> <p><i>A. 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><i>B. 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><i>C. 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 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.</p>	<p>Yes</p> <p>The proposed project is eligible under Section (B). The proposed project site is well-served by multiple transit providers, including Alameda-Contra Costa County Transit District (AC Transit) routes 1, 1R, 51A, 800, and 851, as well as other private shuttle bus services (Kaiser Medical Shuttle and Alta Bates Shuttle). The project site is also within 1 mile of the MacArthur BART station, which is northeast of the site, and approximately 1 mile north of the 19th Street BART station. Broadway qualifies as a “High Quality Transit Corridor,” as defined 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 in the project vicinity, 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>

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Commercial/Retail. A commercial/retail project must meet <u>one</u> 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>Not Applicable</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 residential, the requirements for commercial/retail projects do not apply.</p>
<p>Office Building. An office building project must meeting <u>one</u> 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 (e)(6), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable</p>

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>3. 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). (CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes (see explanation below table)</p>
<p>Note:</p> <p>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.</p>	

Explanation for Eligibility Criteria 3 – The adopted Plan Bay Area (2013)²⁶ serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375. 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 land use designation for the site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland’s major corridors and in shopping districts or centers. The proposed project would be consistent with this designation.

Under the adopted BVDSP, the site is zoned for D-BV-3 (Mixed-Use Boulevard Zone) and D-BV-4 (Mixed-Use Zone), with an N-North Large Development Site Combining Zone overlay. The proposed project would be consistent with the purposes of these districts, which are generally intended to create a “complete” neighborhood that includes a destination retail districts, as well as a mix of retail, entertainment, office, and residential uses to allow residents to live within a short walk or transit ride to work, shop, and play. They are intended to be pedestrian, bicycle, and transit friendly districts that can continue to accommodate automobiles in a managed way. The N combining zone is an overlay zone whose provisions supersede those of the underlying D-BV-3 and D-BV-4 zones, and whose intent is to

²⁶ Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013.

require larger depths of more active commercial uses on sites that have deeper lots fronting along Broadway. The D-BV-3 zone is intended to create, maintain, and enhance areas with direct frontage and access along the Broadway, 27th Street, Piedmont Avenue, and Harrison Street corridors and commercial areas. It allows a wide range of ground-floor retail and other commercial activities, with upper-story spaces intended to be available for residential and office or other commercial activities. In the D-BV-3 zone, mixed-use could be either vertical and/or horizontal per parcel or a block. Residential uses are permitted as-of-right in the D-BV-3 zone—except on the ground floor facing Broadway, where active commercial uses will be required. Commercial Activities permitted as-of-right will include general food sales, full service restaurants, limited service restaurants and cafés, and general retail sales. The D-BV-4 Broadway Valdez District Mixed-Use Commercial Zone – 4 is intended to create, maintain, and enhance areas that do not front Broadway, 27th Street, Piedmont Avenue, or Harrison Street, and allows the widest range of uses on the ground floor, including both residential and commercial businesses. Upper-story spaces are intended to be available for a broad range of residential or commercial activities. Residential uses are permitted as-of-right in the D-BV-4 zone, including on the ground floor. Commercial Activities permitted as-of-right will include general food sales, full service restaurants, limited service restaurants and cafés, and general retail sales.

The proposed project would be up to 85 feet in height, and would be compliant with the 85-foot height limit along the Broadway frontage of the site (up to 135 feet is allowed with a Conditional Use Permit [CUP]) and below the 135-foot height limit along the Webster Street frontage of the site (up to 200 feet is allowed with a CUP).

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 district. For the portion of the project site in 85/135-foot height district, a maximum residential density of 1 dwelling unit per 275 square feet of lot area is allowed, and up to a maximum density of 1 dwelling unit per 200 square feet of lot area, with a CUP. For the portion of the project site in the 135/200-foot height district, a maximum residential density of 1 dwelling unit per 200 square feet of lot area is allowed, and up to a maximum density of 1 dwelling unit per 150 square feet of lot area, with a CUP. For mixed-use projects, the maximum residential density is based on the total lot area, and any square footage allotted or occupied by a nonresidential use is included in the lot area calculation.

The project site is approximately 149,750 square feet. Approximately 121,196 square feet are in the 85/135-foot height district; in this district, 440 units would be allowed, based on 1 dwelling unit per 275 square feet of lot area. Approximately 28,554 square feet are in the 135/200-foot height district; in this district, 142 units would be allowed, based on 1 dwelling unit per 200 square feet of lot area. Without a CUP, a total of 583 dwelling units would be allowed on the project site. The proposed project would construct up to 435 dwelling units, which would be below the maximum number of units allowed for the site without a CUP.

For mixed use projects, the maximum nonresidential Floor Area Ratio (FAR) is based on the total lot area, and any square footage allotted or occupied by residential use is included in the lot area calculation. The proposed amount of nonresidential uses is approximately 24,000 square feet. The project site is approximately 149,750 square feet, and therefore the maximum nonresidential FAR allowed would be 673,875 square feet, assuming that the entire site was in the lowest nonresidential FAR (i.e., the 85/135-foot height district). Therefore, the proposed project would comply with the amount of nonresidential FAR allowed under the Planning Code.

ATTACHMENT C: 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 Plan Area over a 25-year planning period.²⁷ Appendix D of the BVDSP identified the Development Program at the 3093 Broadway project site (designated Project Site #24 in the BVDSP), which included 341 residential units and 133,318 square feet of retail. The proposed project differs from the Development Program for the project site, and would construct 435 residential units and 24,000 square feet of retail space.

The EIR indicates that the CEQA analysis was based on the development quantities set forth in the Development Program, and that 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. The EIR identified traffic capacity as the key environmental factor constraining development, and stated that the City of Oakland would track and measure vehicle trip generation by projects proposed under the BVDSP rather than the amount of specific land uses. As described in Section 13 of this CEQA Checklist, the proposed project would generate approximately 174 net new vehicle trips during the weekday a.m. peak hour and approximately 332 net new vehicle trips during the weekday p.m. peak hour. The proposed project would generate approximately 78 fewer vehicle trips during the weekday a.m. peak hour, and approximately 403 fewer vehicle trips during the weekday p.m. peak hour, compared to the Development Program for Project Site #24. Therefore, the proposed project’s trip generation would be below the trips anticipated for the project site, and for Subdistrict 5, as analyzed in the BVDSP EIR for the Development Program.²⁸

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

²⁷ 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.

²⁸ CHS Consulting Group, 2014. 3093 Broadway CEQA Analysis – Final Technical Transportation Memorandum. November.

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 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 revised 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.