1431 Jefferson Street Marriott Hotel Project

CEQA Analysis

Prepared for:

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Prepared By:

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ATTACHMENTS

Note: Attachments D through I are provided on a CD or thumb drive.

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Figures

I. PROJECT CHARACTERISTICS

1. **Project Title:**
   1431 Jefferson Street Marriott Hotel Project

2. **Lead Agency Name and Address:**
   City of Oakland
   Bureau of Planning
   250 Frank H. Ogawa Plaza, Suite 2114
   Oakland, CA 94612

3. **Contact Person and Phone Number:**
   Mike Rivera, Planner II
   (510) 238-6417
   250 Frank H. Ogawa Plaza, Suite 2114
   Oakland, CA 94612
   mrivera@oaklandnet.com

4. **Project Location:**
   1431 Jefferson Street (the entire block frontage, west side of Jefferson Street between 14th and 15th Streets)
   Assessor's Parcel Number: 003-071-016, 017, 018 & 019

5. **Project Sponsor's Name and Address:**
   1431 Jefferson LLC
   Attn: Keith Wolff
   18814 Stone Canyon Lane
   Santa Clarita, CA 91351

6. **Existing General Plan Designations:**
   Central Business District

7. **Existing Zoning:**
   Central Business District- Mixed Commercial Zone (CBD-X) on lots 16, 17 & 18;
   Central Business District – Pedestrian (CBD-P) on lot 19

   Height Area 4 - 275 feet maximum height

8. **Requested Permits:**
   Regular Design Review (Planning Code §17.136.040)

Major Conditional Use Permit for large scale development over 100,000 square feet of new floor area;

Minor Conditional Use Permit for Transient Habitation (Hotel);

Minor Variance for no commercial loading berths;

Minor Conditional Use Permit for a Master Sign Plan

Parcel Map Waiver for lot merger; and

Tree Protection Permit to remove two street trees.

II. EXECUTIVE SUMMARY

The project applicant, 1431 Jefferson LLC, is proposing to construct a Marriott Hotel on four parcels within downtown City of Oakland. The 1431 Jefferson Street Marriott Hotel Project ("Project"), would include construction of an 18-story hotel building, up to 189 feet in height. The building would have a total of approximately 209,000 gross square feet, consisting of approximately 173,250 gross square feet of hotel uses (276 guestrooms), approximately 1,600 square feet of ground-floor retail space at the corner of Jefferson and 14th Streets, and approximately 34,200 square feet of parking (98 vehicle parking spaces). Table 1 summarizes the characteristics of the project. The northerly portion of the site is currently improved with a surface parking lot, the southerly portion is improved with a 1-story commercial building.

This California Environmental Quality Act (CEQA) Analysis evaluates the 1431 Jefferson Street Marriott Hotel Project. Specifically, the project is considered an urban infill development project, and is in the class of projects that is exempt from CEQA review under CEQA Guidelines Section 15332 (Class 32 exemption). In addition to the Class 32 exemption, this analysis uses CEQA streamlining and tiering provisions under CEQA Guidelines Sections 15183 and 15183.3 to tier from the program-level analysis completed in the City of Oakland General Plan Land Use and Transportation Element (LUTE)[1] and LUTE Environmental Impact Report (EIR) (1998),[2] and Sections 15168 and 15180 to tier from the Central District Urban Renewal Plan Amendments EIR (2011 Redevelopment Plan Amendments EIR)[3]—collectively referred to herein as the Program EIRs—that analyzed environmental impacts associated with adoption and implementation of the General Plan and Redevelopment Plan.

Based on the information and conclusions setforth on the following pages, this CEQA Analysis consists of a Class 32 CEQA Exemption and findings of consistency with Sections 15183, 15183.3, 15168 and 15180. No additional environmental documentation or analysis is required.

[1] City of Oakland, 1998. *General Plan*, Land Use and Transportation Element.

[2] City of Oakland, 1998. Oakland General Plan Land Use and Transportation Element EIR.

[3] City of Oakland, 2011. Proposed Amendments to the Central District Urban Renewal Plan EIR.

III. BACKGROUND

The following describes the Program EIRs that constitute the previous CEQA documents considered in this CEQA Analysis. Each of the following documents is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612,and
at http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/EIR /index. htm.

Land Use and Transportation Element EIR

The City certified the EIR for its General Plan LUTE in 1998. The LUTE identifies policies to guide land use changes in the City and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five "Showcase Districts" targeted for continued growth; the project site is located within the "Downtown Showcase District" ("Downtown"), which is intended to promote a mixture of vibrant and unique subdistricts with around-the-clock activity, continued expansion of job opportunities, and a growing residential population. The 1998 LUTE EIR is designated a "Program EIR" under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the LUTE are subject to requirements under each of the aforementioned CEQA Sections, which are described further in Section IV.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer City of Oakland Standard Conditions of Approval (SCAs), the latter of which are described below in Section IV.

Environmental Effects Summary – 1998 LUTE EIR

The 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a less-than-significant level with the implementation of mitigation measures and/or SCAs (described in Section IV): aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM_{10}] and emissions Downtown, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); noise (use and density incompatibilities, including from transit/transportation improvements); population and housing (induced growth,

policy consistency/clean air plan); public services (except as noted below as significant)[4]; and transportation/circulation (intersection operations Downtown).

Less-than-significant impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions in Downtown, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use projects and near transit); noise (roadway noise Downtown and citywide, multifamily near transportation/transit improvements); population and housing (exceeding household projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). No impacts were identified for agricultural or forestry resources, and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions, roadway emissions Downtown); noise (construction noise and vibration in Downtown); public services (fire safety); transportation/circulation (roadway segment operations); wind hazards, and policy consistency (clean air plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

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

The 1431 Jefferson Street Marriott Hotel Project site is located within the Central District Urban Renewal Plan Area, which generally encompasses the entire Downtown: approximately 250 city blocks (828 acres) in an area generally bounded by Interstate 980 (I-980), Lake Merritt, 27th Street and the Embarcadero. The Oakland City Council adopted the Central District Urban Renewal Plan (Redevelopment Plan) for the Project Area in June 1969. The City prepared and certified an EIR for proposed amendments to the Urban Renewal Plan in 2011, and amended or supplemented the Plan up to April 3, 2012.[5] The 2011

[4] The 1998 LUTE EIR addressed effects on solid waste demand and infrastructure facilities for water, sanitary sewer and stormwater drainage under Public Services.

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

Redevelopment Plan EIR was designated a "Program EIR" under CEQA Guidelines Section 15180; as such, subsequent activities are subject to requirements under CEQA Guidelines Section 15168.

Applicable mitigation measures and SCAs (described in Section IV) identified in the 2011 Redevelopment Plan Amendments EIR are considered in the analysis in this document and are also largely the same as those identified in the other Program EIRs described in this section.

Environmental Effects Summary – 2011 Redevelopment Plan Amendments EIR

The 2011 Redevelopment Plan Amendments EIR determined that development facilitated by the Proposed Amendments would result in impacts to the following resources that would be reduced to a less-than-significant level with the implementation of identified mitigation measures and/or SCAs (described in Section IV): aesthetics (light/glare only); air quality (except as noted below as less than significant and significant); biological resources (except no impacts regarding wetlands or conservation plans); cultural resources (except as noted below as significant); geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality (stormwater and 100-year flooding only); noise (exceeding standards – construction and operations only); traffic/circulation (safety and transit only); and utilities and service systems (stormwater and solid waste only).

Less-than-significant impacts were identified for the following resources in the 2011 Redevelopment Plan EIR: aesthetics (except as noted above as less than significant with SCAs); air quality (clean air plan consistency); hydrology and water quality (except as noted above as less than significant with SCAs); land use and planning; population and housing; noise (roadway noise only); public services and recreation; traffic/circulation (air traffic and emergency access); and utilities and service systems (except as noted above as less than significant with SCAs). No impacts were identified for agricultural or forestry resources, and mineral resources.

The 2011 Redevelopment Plan EIR determined that the Proposed Amendments combined with cumulative development would have significant unavoidable impacts on the following environmental resources: air quality (toxic air contaminant exposure and odors); cultural resources (historic); and

the Project Area. An 18th Amendment further extended the then-Redevelopment Plan time limit from 2022 to 2023 and extended the time period that the then-Redevelopment Agency could receive tax increment funds from 2032 to 2033, as allowed by Health and Safety Code Section 33331.5.

traffic/circulation (roadway segment operations).[6] Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Standard Conditions of Approval (SCAs)

The City established its Standard Conditions of Approval and Uniformly Applied Development Standards (SCAs) in 2008, and they have since been amended and revised several times.[7] The City's SCAs are incorporated into new and changed projects as conditions of approval regardless of a project's environmental determination. The SCAs incorporate policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection Ordinance, Stormwater Water Management and Discharge Control Ordinance, Oakland Protected Trees Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA title is also provided—i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions)**.

Consistent with the requirements of CEQA, a determination of whether the Project would have a significant impact must occur prior to approval of the Project. Where applicable, SCAs have been identified that will mitigate such impacts. In some instances, exactly how the SCAs identified will be achieved awaits completion of future studies, an approach that is legally permissible where SCAs are known to be feasible for the impact identified, where subsequent compliance with identified federal, state or local regulations or requirements apply, where specific performance criteria is specified and required, and where the Project commits to developing measures that comply with the requirements and criteria identified.

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

[7] The most recent update of the SCAs was published by the City of Oakland on April 11, 2017.

IV. PURPOSE AND SUMMARY OF THIS DOCUMENT

The purpose of this document is to evaluate the proposed 1431 Jefferson Street Marriott Hotel Project for compliance with CEQA. Applicable CEQA sections are described below, each of which, separately and independently, provides a basis for CEQA compliance.

1. **Class 32 Categorical Exemption:** Public Resources Code Section 21084 and State CEQA Guidelines Section 15332, Class 32 Categorical Exemptions, apply to infill development projects that meet the following conditions:

Are consistent with applicable general plan policies and zoning designations;

Occur within a project site smaller than five acres and are substantially surrounded by urban uses;

Have no value as habitat for endangered, rare or threatened species;

Would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

Are located on a site that can be adequately served by all required utilities and public services.

2. **Project Consistent with a Community Plan or Zoning.** Public Resources Code Section 15183 allows streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards…, then an EIR need not be prepared for the project solely on the basis of that impact."

   The analysis in the Program EIRs—the 1998 LUTE EIR and the Central District Urban Renewal Plan EIR (2010) —are applicable to the 1431 Jefferson Street Marriott Hotel Project and provide the basis for use of the Community Plan Consistency.

3. **Qualified Infill Streamlining.** Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are:

- Located in an urban area and on a site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter.
- Able to satisfy the performance standards provided in State CEQA Guidelines Appendix M; and
- Consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy.

No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

The analyses in the Program EIRs—the 1998 LUTE EIR and the Central District Urban Renewal Plan EIR —are applicable to the 1431 Jefferson Street Marriott Hotel Project and are the previous CEQA documents providing the basis for use of the Qualified Infill Project Streamlining under CEQA Guidelines Section 15183.3.

4. **Program EIRs and Redevelopment Projects.** CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects) provide that the 2011 Redevelopment Plan Amendments EIR can be used as a Program EIR in support of streamlining and/or tiering provisions under CEQA. The 2011 Redevelopment Plan Amendments EIR is a Program EIR for streamlining and/or tiering provisions by CEQA Guidelines Section 15168. Section 15168 defines the "program EIR" as one prepared on a series of actions that can be characterized as one large project and are related geographically and by other shared characteristics. Section 15168 also states that "subsequent activities in the program EIR must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." Section 15168(c) states, "If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the Project covered by the program EIR and no new environmental document would be required."Further, CEQA Guidelines Section 15180 specifies that if a certified redevelopment plan EIR is prepared, no subsequent EIRs are required for individual components of the redevelopment plan unless a subsequent EIR or supplement to the EIR would be required by Section 15162 or 15163.

   This CEQA Analysis for the Project provided herein evaluates the specific environmental effects of the Project and whether such impacts were adequately covered by the Program EIRs to allow the above-listed provisions of

CEQA to apply. The analysis conducted incorporates by reference the information contained in the General Plan. The Project is legally required to incorporate and/or comply with the applicable requirements of the mitigation measures identified in the General Plan as well as applicable SCAs; therefore, the measures and SCAs are herein assumed to be included as part of the Project. See Attachment A for the full text of applicable SCAs included in this CEQA Analysis. (Note that this is not an exhaustive list of all SCAs that may be required by the City for the Project).

1431 Jefferson Street Marriott Hotel Project CEQA Compliance

The proposed project satisfies each of the foregoing CEQA provisions, as summarized below.

Class 32 Exemption: The analysis presented in the following section provides substantial evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development, and would not result in any new significant effects on the environment. In addition, none of the specific exceptions to CEQA categorical exemptions (CEQA Guidelines Section 15300.2) are applicable to the Project.

Community Plan Consistency and Exemption: When development proposals are brought before the City, the staff and decision-makers use the General Plan as a guide for project review. Projects are evaluated for consistency with the intent of General Plan policies and conformance with development regulations. The analyses performed for the Program EIRs were intended to expedite the processing of future projects that are consistent with the General Plan. As described within this CEQA Analysis, the proposed Project is permitted in the zoning districts where the Project site is located and consistent with the bulk, density, and land use standards envisioned in the General Plan and the Planning Code. The CEQA Analysis (and attachments) conclude that the proposed Project would not result in significant impacts that (1) would be peculiar to the Project or Project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant but later determined as having a more severe adverse impact than that discussed in the Program EIRs. Findings regarding the Project's consistency with the General Plan are included as Attachment B to this document. Therefore, consistent with CEQA Guidelines Section 15183, this CEQA Analysis satisfies the requirements for a community plan exemption.

Qualified Infill Streamlining: The analysis conducted and presented in this CEQA Analysis indicates that the proposed project is eligible for a qualified infill project, pursuant to CEQA Guidelines Section 15183.3. The infill eligibility criteria are evaluated and Project-specific findings are provided in Attachment C.

Program EIRs and Redevelopment Projects: The 1431 Jefferson Street Marriott Hotel Project is consistent with the land uses identified for the area in the Central District Urban Renewal Plan and analyzed in the 2011 Redevelopment Plan Amendments EIR. The analysis in the 2011 Redevelopment EIR and in this CEQA Analysis demonstrates that the 1431 Jefferson Street Marriott Hotel Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162. Therefore, the Project meets the criteria of CEQA Guidelines Section 15168(c)(2), such that no new EIR is required.

Examination of the analysis, findings, and conclusions of the prior CEQA documents, as summarized in the analysis above and below, indicates that the prior EIRs adequately analyzed and covered the potential environmental impacts associated with the proposed Project. The Class 32 exemption as well as the streamlining and/or tiering provisions of CEQA apply to the proposed Project. Therefore, no further review or analysis, under CEQA, is required.

SCAs identified in the Program EIRs that would apply to the 1431 Jefferson Street Marriott Hotel Project are listed in Attachment A to this document. Because the SCAs are mandatory City requirements, the impact analysis for the Project assumes that they will be imposed and implemented. If this CEQA Analysis or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected. Most of the SCAs that are identified for the 1431 Jefferson Street Marriott Hotel Project were also identified the 2011 Redevelopment Plan Amendments EIR; the 1998 LUTE EIR was developed prior to the City's application of SCAs.

V. PROJECT DESCRIPTION

This section describes the proposed 1431 Jefferson Street Marriott Hotel Project (the project) evaluated in this CEQA analysis and includes a description of the project site, existing site conditions, the proposed development, and the following required Planning Permit approvals for the project:

- Major Conditional Use Permit for large scale development over 100,000 square feet of new floor area;
- Minor Conditional Use Permit for Transient Habitation;
- Regular Design Review for new construction;
- Minor Variance for no commercial loading berths;
- Minor Conditional Use Permit for Master Sign Plan

- Parcel Map Waiver for lot merger; and
- Tree Protection Permit to remove two street trees.

Project Location

As shown in Figures 1 and 2, the 17,637-sf Project site (0.4-acres) is located in downtown Oakland on the eastern half of the block bounded by 15th Street (north), Jefferson Street (east) and 14th Street (south). The Project site consists of four parcels: 1431 Jefferson Street, Assessor's Parcel Number 003-071-016, 017 and 018 (12,450 sf); and Assessor's Parcel Number 003-071-019 (5,187 sf). Regional access is provided by Interstate I-980, I-880 and I-580, approximately 0.14 to 1.3 miles from the site. A Bay Area Rapid Transit (BART) station is approximately 0.25 miles east of the Project site at 12th Street and Broadway. Alameda-Contra Costa Transit (AC Transit) bus routes 14, 20, 26, 31, 40, 51A, 58L, 72, 72M, 72R, 88, 314, 651, 802, 851, and the free Broadway Shuttle are all within 0.25 mile of the Project site.

Existing Conditions and Surrounding Land Uses

The Project site currently is improved with a 1-story commercial retail building (the S&A Market, 600 14th Street) and a surface parking lot with a capacity of approximately 50 cars. Entrance to the commercial building is at the corner of Jefferson and 14th Streets. The parking lot is accessed from Jefferson Street at a single in/out curb cut. The site is essentially flat. The parking lot is entirely paved and limited weedy vegetation grows in spots at the site.

Land uses near the Project site include a mix of older and newer urban uses. Dominating the area immediately to the east on the blocks between Jefferson and Clay Streets are the two 17-story federal office buildings and the 22-story state office building. Also fronting on the east side of Jefferson Street is an older residence hotel with a variety of ground floor commercial uses including restaurants, a dry cleaner and a cafe. The northwest corner of 15th and Jefferson supports a recently-built multifamily residential building (condominium or rental). Adjacent to and west of the site along the south side of 15th Street are several well maintained 2-story single family Victorian homes. The area is a classic mixed-use urban neighborhood. **Figure 3** shows the Project site in relation to neighboring land uses.

Figure 1. Regional Location

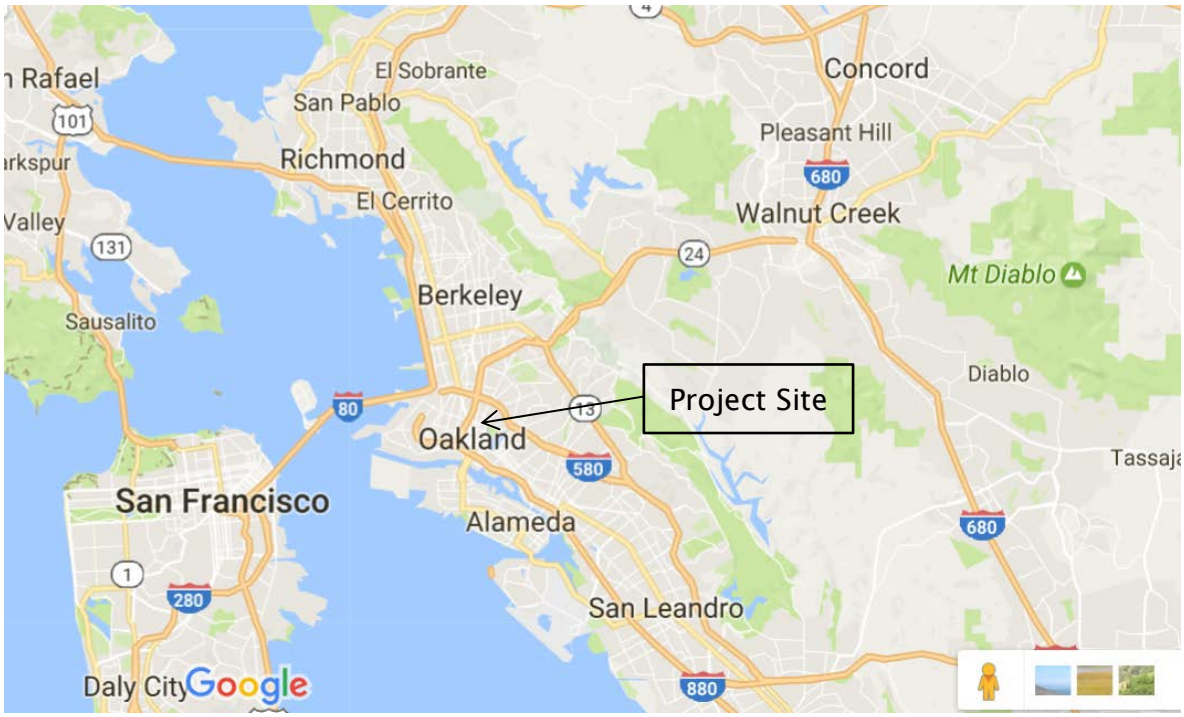


Figure 2. Project Site

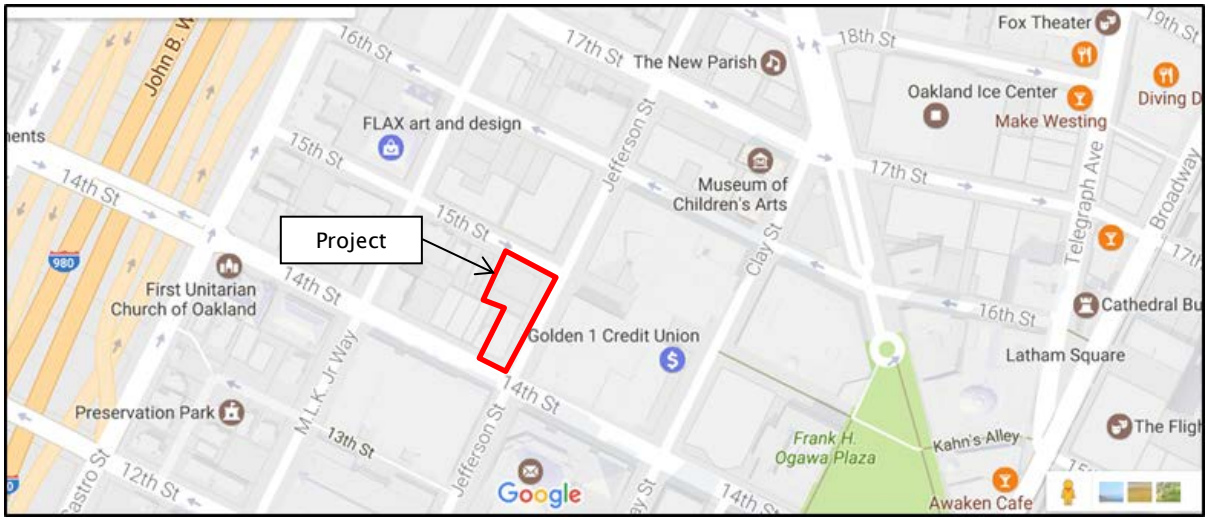


Figure 3. Neighborhood Context

The Project site is not a historically significant site, nor is it located within an Area of Primary Importance. However, it is adjacent to a small Area of Primary Importance (API) called the 15th & Grove House Group, which consists of three houses adjacent to and west of the Project site, at 1430-1432 Martin Luther King, Jr. Way, 627 15th St., and 619 15th St. In addition, the Downtown Fringe API consists of several buildings within the block bounded by Jefferson, 14th, Clay and 15th Streets. There are three buildings on the east side of Jefferson between 14th and 15th Street that face the project site and are included in this API.

General Plan, Zoning and Height District Designations

The Project site's General Plan designation is Central Business District. This designation aims to encourage high density, mixed-use development that supports large-scale offices, commercial retail and urban high-rise residential units. The northerly 2/3rds of the site (parcels 16,17 & 18) is zoned Central Business District Mixed Commercial Zone (CBD-X). The intent of the CBD-X zoning designation is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.The balance of the site, at the corner of Jefferson and 14th Streets, is zoned Central Business District – Pedestrian (CBD-P). The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

The Project site is also within Height Area 4, which permits buildings up to 275 feet in height.

Proposed Project

The Project would clear the existing surface parking lot, demolish the 1-story commercial building, and construct an 18-story 276-room Marriott hotel. The hotel would consist of ground floor lobbies and two types of hotel guest rooms on the floors above: floors 3 – 11 would consist of 143 Residence Inn ("RI") type rooms, which are a mix of studio and 1-bedroom apartments, intended for extended stays (1-30 days); floors 12 – 18 would consist of 133 hotel rooms consistent with Marriott's "AC" hotel room concept, intended for shorter stays and providing a higher level of finishings and amenities. The hotel structure would contain a total of approximately 153,000 square feet and an attached 36,000 sf parking garage would provide 95 stalls for vehicles.

In total, the new building would have a surface footprint of approximately 17,637 square feet (100 percent of the Project site), constructed at a floor area ratio (FAR) of 10.0. The building would be 18 stories tall, 189 feet in height to the top of the roof structure; parapets, stairs, elevator penthouses and mechanical structures (including emergency generators) would extend this height by another 15 feet.

Table 1 summarizes the proposed Project, and **Figures 2 through 6** depict the Project site and the Project's proposed building plans.

Project Construction

The Project would be constructed over approximately 24 months and is anticipated to start in October 2017. Construction activities would consist of demolition of the existing commercial building and surface parking lot, limited excavation and grading, foundation construction, and construction of the building and finishing interiors.

Demolition and grading are anticipated to occur over the course of five months. Grading is expected to involve excavation to a depth of approximately 16 feet below grade level and approximately 5,800 cubic yards (cy) of soil would be excavated. In addition, off-haul of material would include 180 cy of building debris and 260 cy of asphalt paving material. Groundwater is believed to be between 21 and 27 feet below ground surface[8] and dewatering is anticipated to be required during shoring and foundation work. The project foundation would involve conventional spread footings and concrete mat; no pile driving would be required.

[8] AEI Consultants, Inc., 2013. *Phase I Environmental Site Assessment, 1431 Jefferson Street, Oakland, California 94612*. April 20.

Typical equipment used during construction would include an excavator, drilling rig, backhoe, trencher, electric tower crane, electric man lift, rough terrain forklift and paving equipment. The Project sponsor has committed to using best available control technologies for all diesel equipment used for the Project and would meet Tier 4 (or equivalent) emissions standards. This would be accomplished and enforced through provisions in the construction contract and subcontracts; fuel would be sourced from one vendor.

During construction the three sides of the site would be barricaded to protect pedestrians from harm and provide a staging area for material storage and the tower crane. This would remove parking from the Jefferson Street frontage during the 24 month construction period.

Depending on the construction phase, the number of on-site construction workers could range from approximately 10 to 100 workers per day. The maximum number of workers would be present during framing, rough-in, and interior finish, as well as exterior work during the building construction phase. The minimum number of workers would be present during grading, excavation, and site preparation.

Table 1: Project Development Summary	
Description	Amount
Building Total	
Total Lot Area	17,637 sf (0.40 acres)
Total Building Footprint Area	17,637 sf (100% lot coverage)
Total Floor Area	152,876 sf (FAR = 8.7)
Building Height	178 ft. occupied space, 189 ft. to top of architecture
Number Of Hotel Rooms	276
Retail Space	1,650 sf
Number of Parking Spaces	95 spaces
Ground Floor	
Total floor area	10,144 sf
Retail	1,650 sf
Parking/Loading	6,550 sf
Parking Stalls	25 stalls
Parking Floors (Garage floors 2 – 5)	
Floors 2 - 4	9,217 sf, 22 stalls each floor
Floor 5	roof of parking levels below; 14 stalls
Total Parking Floor Area & Stalls	36,000 sf; 95 stalls
RI Guestrooms	
Floors 3 - 4	8,194 sf, 12 RI rooms per floor
Floors 5 - 11	10,760 sf, 17 rooms per floor
Total Floor Area & Guestrooms	91,708 sf, 143 RI Rooms
AC Guestrooms	
Floors 13 – 18	8,073 sf, 19 AC Guestrooms, per floor
Total Floor Area & Guestrooms	56,511 sf, 133 AC Guestrooms

Project Approvals

The proposed Project requires the following discretionary actions/approvals, including without limitation:

Actions by the City of Oakland

Planning Commission – Major and Minor Conditional Use Permits, Regular Design Review, Minor Variance, CEQA determination, Parcel Map for lot merger and Tree Removal Permit.

Building Bureau – Building permit.

Other City Permits – Grading permit, encroachment permit and other related onsite and offsite work permits.

Actions by Other Agencies

Bay Area Air Quality Management District (BAAQMD) – Issuance of permits for installation and operation of the emergency generator.

Regional Water Quality Control Board (RWQCB) – Waste Discharge Requirements or NPDES permit.

East Bay Municipal Utility District (EBMUD) – Approval of new service requests and water meter installation.

FIGURE 4 GROUND FLOOR/LOBBY PLAN

FIGURE 5 LEVEL 2 AMENITY FLOOR AND BACK OF HOUSE SPACES

FIGURE 6 RESIDENCE INN (RI) GUESTROOM FLOOR PLAN (FLOORS 3-4)

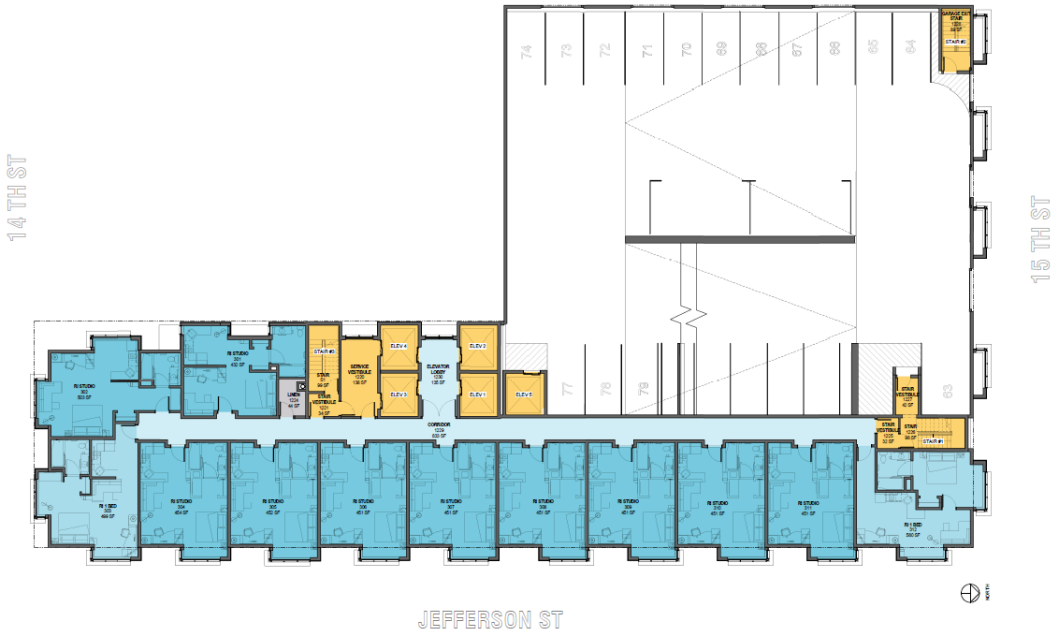


FIGURE 7 RESIDENCE INN (RI) GUESTROOM FLOOR PLAN (FLOORS 5-11)

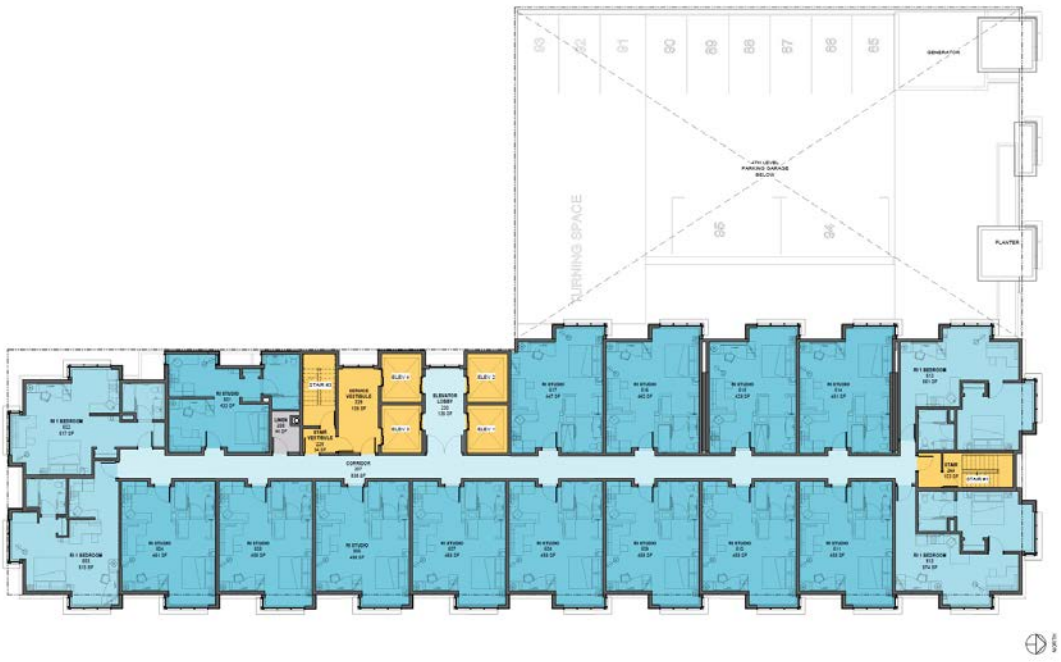
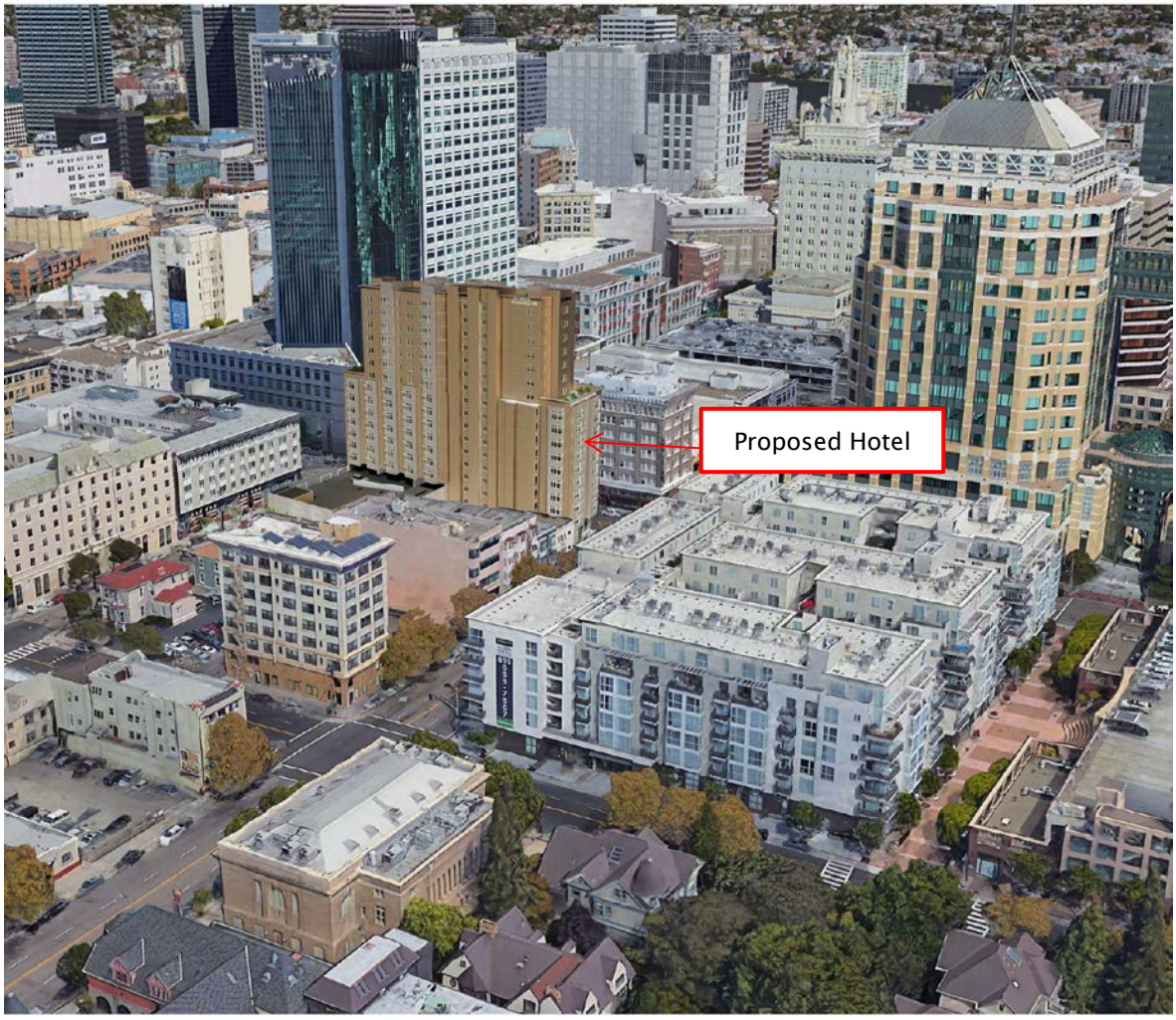


FIGURE 8 TYPICAL "AC" GUESTROOM FLOOR PLAN (FLOORS 13-18)

FIGURE 9 PERSPECTIVE RENDERING FROM THE PLAZA AT JEFFERSON AND 15TH STREET

FIGURE 10 PERSPECTIVE RENDERING FROM SOUTHWEST



VI. SUMMARY OF FINDINGS

An evaluation of the proposed project is provided in the CEQA Analysis below. This evaluation concludes that the proposed project qualifies for an exemption from additional environmental review and the project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified [i.e., the City of Oakland General Plan LUTE and LUTE Environmental Impact Report (EIR) (1998) and the Central District Urban Renewal Plan (Redevelopment Plan) and Amendments thereto that were evaluated in a Supplemental EIR certified in 2011, designated as a "Program EIR" under CEQA Guidelines Section 15180. As such, subsequent activities within the Redevelopment Area are subject to the provisions of CEQA Guidelines Section 15168, and these two EIRs are collectively referred to herein as the Program EIRs. As such, the proposed project would be required to comply with the applicable mitigation measures identified in the Program EIRs, as well as any applicable City of Oakland SCAs (see Attachment A for a complete list of SCAs referred to and required by this CEQA Analysis). With implementation of the applicable mitigation measures and SCAs, the project would not result in a substantial increase in the severity of significant impacts that were previously identified in the LUTE or Redevelopment PlanEIR or any new significant impacts that were not previously identified in the prior EIRs.

In accordance with Public Resources Code Sections 21083.3, 21094.5, and 21166 and State CEQA Guidelines Sections 15183, 15183.3, and 15332, and as set forth in the CEQA Analysis below, the proposed project qualifies for an exemption because the following findings can be made:

Class 32 Exemption: The following analysis demonstrates that the Project is consistent with Criterion 15332 (a), (b), (c), (d), and (e), and that no exceptions per CEQA Guidelines Section 15300.2 apply to the Project that have not been previously identified and mitigated under the City of Oakland General plan and its supporting EIRs.

Community Plan Exemption: The following analysis demonstrates that the Project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (i.e., the Program EIRs). As such, the analysis presents substantial evidence that, other than Project-specific effects which may be peculiar to the Project or its site, the Project's potential contribution to overall cumulatively significant effects has already been addressed as such in the Program EIRs, or will be substantially mitigated by the imposition of SCAs, as further described in Attachment B.

Qualified Infill Exemption: The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies. As such, this environmental review is limited to an assessment of whether the Project may cause any Project-specific effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.

Program EIRs and Redevelopment Projects: The analysis in the 2011 Redevelopment Plan Amendments EIR and in this CEQA Analysis demonstrates that the Project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15162, because the level of development proposed for the site is within the broader development assumptions analyzed in the Previous EIRs. The effects of the proposed Project have been addressed in those EIRs and no further environmental documents are required in accordance with CEQA Guidelines Sections CEQA Guidelines Sections 15168 and 15180.

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

6/30/17

Darin Ranelletti
Environmental Review Officer

Date

VII. CLASS 32 CATEGORICAL EXEMPTION OVERVIEW

Article 19 of the CEQA Guidelines Sections 15300 to 15333, includes a list of classes of projects determined to not have a significant effect on the environment, and therefore are exempt from CEQA. Among the classes of projects that are exempt from CEQA review are those projects that qualify as urban infill development, as defined by CEQA Guidelines Section 15332 (Class 32 exemption). Infill projects must meet the following conditions to be exempt:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. In these cases, the CEQA exemption would not apply to a project. Exceptions to a categorical exemption would occur under the following circumstances:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The analysis presented in the following section provides substantial evidence that the Project properly qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development, and would not have a significant effect on the environment. In addition, the analysis also presents substantial evidence that there are no exceptions that apply to the Project or its site, that the Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

Further, as outlined in Section IV, Purpose and Summary, the exemption and exception analyses in Sections VIII, Class 32 Categorical Exemption Analysis, and IX, Exceptions To Categorical Exemptions, as well as Attachments B and C, provide substantial evidence to also support the use of the streamlining provisions related to:

Community Plan Consistency;

Qualified Infill Exemption; and/or

Program EIRs and Redevelopment Projects.

VIII. CLASS 32 CATEGORICAL EXEMPTION AND STREAMLINING ANALYSIS

The following analysis provides substantial evidence to support a conclusion that the project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development, and would not have a significant effect on the environment, as well as previously discussed streamlining provisions of CEQA.

Criterion Section 15332(a): General Plan and Zoning Consistency

Yes	No	
☑	❒	The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Plan

The General Plan land use designation for the site is Central Business District (CBD). The intent of the CBD classification is to encourage, support, and enhance the downtown area as a high density, mixed-use urban center of regional importance. The CBD classification includes a mix of large-scale offices, commercial, retail, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The project is a mixed-use development in an urban area, providing ground level retail space and hotel guest accommodates on upper floors, consistent with the intent for the CBD. The hotel project would be consistent with the land use policies applicable to the site as set forth in the General Plan. For sites in the CBD, the maximum floor area ratio (FAR) is 20.0; the FAR of the approximately 175,000 sf building is 10.0, within the limits applicable under the General Plan.

Objectives and Policies from the Land Use and Transportation Element (LUTE) of the City's General Plan that support the proposed project include:

- **Policy D5.1 Encouraging Twenty-Four Hour Activity.** Activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted.

- **Policy D6.1 Developing Vacant Lots.** Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.

- **Policy D11.1 Promoting Mixed-Use Development.** Mixed-use developments should be encouraged in the downtown for such purposed as to promote its diverse character, provide for needed goods and services, support local art and culture, an give incentive to reuse existing vacant or underutilized structures.

The project would redevelop an existing surface parking lot with a hotel development that would include ground floor retail uses as a mixed use development and would promote 24-hour activity. The project would be consistent with the General Plan policies detailed above as it would construct a new hotel on a primarily vacant site consistent with the General Plan's height and intensity limit that would provide support to other commercial development in the downtown area consistent with the General Plan,

Zoning

Two slightly different zoning classifications apply to the project site. The northerly 2/3rds of the site (parcels 16,17 & 18) is zoned Central Business District - Mixed Commercial (CBD-X). The intent of the CBD-X zoning designation, per Oakland Planning Code Section 17.58.010, is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity. The balance of the site, at the corner of Jefferson and 14th Streets, is zoned Central Business District – Pedestrian (CBD-P). The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

The project proposes approximately 2,105 square feet of ground-floor commercial/retail use at the corner of Jefferson and 14th Streets and Jefferson and 15th Streets and hotel guest rooms and supporting services on the upper floors. Two guestroom designs are proposed: the lower floors (3 – 11) would provide 143 studio and 1-bedroom "Residence Inn" (RI) guestrooms, designed for extended stays of 1–30 days. At floor level 12, the building would step back and extend up to floor 18, providing a total of 133 "AC" type guest rooms, which are configured to accommodate queen and king sized beds, 19 per floor, consistent with Marriott's "AC" marketing concept that offers a more highly amenitized guest experience, designed for shorter stays and catering to the business market. The proposed design complies with design standards and regulations of the Planning Code, including but not limited to the following:

The building conforms to the zero-lot line setback pursuant to the Planning Code, Table 17.58.03.

The project would include a total of 276 guest rooms, with overall square footage of approximately 175,000 sf, reflecting an FAR of 10.0 on the approximately 0.4-acre parcel. The FAR is below the limit allowed in the CBD-X and CBD-P districts pursuant to the Planning Code.

The building would be 189 feet to the roofline in height, below the maximum height of 275 feet allowed in Height District 4. The project would be consistent with the maximum building height.

The project would provide 1,658 sf of retail space on the ground floor, accessible from the street or from the RI lobby.

The Oakland Planning Code (Chapter 17, Oakland Municipal Code) defines a hotel as a "Transient Habitation Commercial Activity" (Chapter 17.09, Definitions). Authorization for development or use of a Transient Habitation Commercial Activity is granted by the City Planning Commission within the terms of a Conditional Use Permit, as provided in Section 17.103.050. The Planning Commission must be able to make the following findings in its consideration of an application for a Conditional Use Permit for a hotel use:

1. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, along the I-880 freeway, in a specific plan area, and/or in an area with a concentration of amenities for hotel patrons, including but not limited to restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit;

2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the City for housing, public transit, and social services;

3. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:

    a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;

    b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;

    c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;

d. The majority of the parking is located either to the side or rear of the site, or where appropriate, within a structured parking facility that is consistent, compatible and integrated into the overall development;

e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;

f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;

g. Lighting standards for hotel buildings, grounds and parking lots that are not overly bright and direct the downward placement of light.

4. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets;

5. The proposed operator of the facility shall be identified as part of the project description at the time of application.

The determination as to whether the project meets the above findings will be made by the City Planning Commission when the project comes before them for consideration.The granting of a CUP would demonstrate that the project adheres to the criteria of CEQA Guidelines Section 15332(a) as being consistent with the General Plan and applicable zoning regulations for the site and the proposed hotel use.

Criterion Section 15332(b): Project Location, Size, and Context

Yes	No	
☑	❒	The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses

The project site is located within the incorporated limits of the City of Oakland on an approximately 0.4-acre site, and is entirely surrounded by parcels developed with urban land uses and paved public streets as described above in the Project Description and shown in Figure 1. Therefore, the project is consistent with the Section 15332(b).

Criterion Section 15332(c): Endangered, Rare, or Threatened Species

Yes	No	
☑	❒	The project site has no value as habitat for endangered, rare or threatened species.

As described in the Project Description and shown in Figure 1, the project site consists of a surface parking lot and 1-story commercial building, both extending to the limits of the site and resulting in 100 percent lot coverage. Limited weedy vegetation is growing on parts of the site. In addition, the City of Oakland's Open Space, Conservation, and Recreation (OSCAR) Element indicates that there are no known endangered, rare, or threatened species on or within the immediate vicinity of the project site.[9] Therefore, the project site does not include habitat for endangered, rare or threatened species and is consistent with Section 15332(c).

Criterion Section 15332(d): Traffic, Noise, Air Quality, or Water Quality

Yes	No	
☑	❒	Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The analysis below describes the project effects for the resource topics in this criterion, organized as follows: traffic, noise, air quality, and water quality.

Traffic

A Transportation Impact Study (TIS) was prepared by Fehr & Peers for the proposed project (see Attachment D), based on the City of Oakland's CEQA Threshold of Significance Guidelines. The TIS compared the expected levels of automobile and other modes of travel from the Project to the City's thresholds of significance.

The City's current CEQA Thresholds of Significance and Transportation Impact Study Guidelines dated October 17, 2016, a project would have a significant effect on the environment if it would:

1. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay); or

2. Cause substantial additional Vehicle Miles Traveled (VMT) per capita, per service population, or other appropriate efficiency measure; or

3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network.

[9] City of Oakland, 1996. *General Plan*, Open Space, Conservation, and Recreation (OSCAR) Element, Chapter 3, Tables 5 and 6, pp. 3-42-3-43.

1. Conflicts with Plans, Ordinances, or Policies Relating to Safety, or Performance of the Circulation System

The proposed project is consistent with applicable plans, ordinances, and policies, and would not cause a significant impact by conflicting with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay).

The LUTE, as well as the City's Public Transit and Alternative Mode and Complete Streets policies, states a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling, and walking. The proposed project would encourage the use of non-automobile transportation modes by providing a hotel and commercial uses with minimal parking in a dense, walkable urban environment that is well-served by local and regional transit.

The proposed project is consistent with both the City's Pedestrian Master Plan and Bicycle Master Plan as it would not make major modifications to existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of future facilities. Further, because the proposed project would generate more than 50 peak-hour trips, preparation and implementation of SCA-TRANS-1: Transportation and Parking Demand Management (#71) is required.

Overall, the Proposed Project would not conflict with adopted plans, ordinances, or policies addressing the safety and performance of the circulation system. This is a less-than-significant impact and no mitigation measures are required.

2. Cause Substantial Additional Vehicle Miles Traveled

Beginning in late 2016 the City modified its criteria for identifying transportation impacts under CEQA by removing automobile delay as the critical factor (and as measured by level of service (LOS) or similar measures of vehicular capacity or traffic congestion) and replaced it with an evaluation of Vehicle Miles Traveled (VMT) as set forth in Criteria 2, above.

The TIS explains the VMT analysis and compares aspects of the project and its location to applicable criteria related to VMT. It concludes that the proposed project would not result in substantial additional VMT and finds that project impacts related to VMT would be less than significant.

The Project would satisfy the Low-VMT Area Criterion (#2) and the Near Transit Stations (#3) criteria and is therefore would have a less than significant impact on VMT.

3. Substantially Induce Additional Automobile Travel

The TIS states that the proposed project would not modify the roadway network surrounding the project site and therefore would not increase the physical roadway capacity or add new roadways to the network, and would have a less than significant impact on inducing additional automobile traffic.

In sum, therefore, the TIS provides a basis for concluding that the project would not result in significant traffic or transporation impacts using the City's new significance criteria.

In addition, the traffic analysis identified the following two recommended measures to improve access and mobility for pedestrians, bicyclists, activities during construction, and parking, although the measures are not required to address CEQA impacts:

Automobile Access and Circulation

The project would provide a five-level aboveground parking garage which would be accessed through a driveway on 15th Street, approximately 80 feet west of Jefferson Street. The five-level garage would provide 98 parking spaces. The garage would provide adequate internal circulation for vehicles.

The project driveway would provide adequate sight distance between exiting motorists and vehicles traveling on 15th Street. Adequate sight distance between a motorist and pedestrian is provided when a clear line-of-sight between a motorist ten feet back from the sidewalk and a pedestrian ten feet away on the sidewalk on either side of the driveway . The configuration of the proposed project driveway may not provide adequate sight distance for pedestrians.

The loading berth/driveway, which does not meet Planning Code standards would only accommodate small trucks, is located approximately 50 feet west of Jefferson Street. No turn-around space is provided, requiring drivers to either back in or out of the driveway. The loading driveway would not provide adequate sight distance between the exiting delivery driver and pedestrians on the adjacent sidewalk and vehicles on 15th Street.

The proposed hotel is expected to generate pick-up/drop off trips. There are currently no designated passenger loading spaces along the project frontage.

Recommendation #1: While not required to address a CEQA impact, and as part of the City's standard development review process and implementation of SCAs, the following should be considered as part of the final design for the project:

- Ensure that the project driveway would provide adequate sight distance between exiting motorist and pedestrians on the adjacent sidewalk. If adequate sight distance cannot be provided, provide audio/visual warning devices at the driveway
- Ensure that the loading driveway would provide adequate sight distance between exiting trucks and pedestrians, bicyclists, and motorists to the west and east, on the 15th Street frontage
- If the proposed garage is controlled by a gate, ensure that it is set back from the face of the building to provide adequate queueing space for incoming vehicles and that queues would not block the adjacent sidewalk on 15th Street
- Consider designating curb space near the hotel entrance for passenger loading.

Recommendation #2: While not required to address a CEQA impact, and as part of the City's standard development review process and implementation of SCAs, the following should be considered as part of the final design for the project:

- Explore the feasibility of installing directional curb ramps at all four corners at the Jefferson Street/14th Street and Martin Luther King Jr. Way/15th Street intersections and the west corners of Jefferson Street/15th Street intersection. Considering that fire hydrants, signal poles, and/or light poles are provided at all the corners, construction of curb extensions (bulbouts) may also be required to relocate to provide directional curb ramps.
- Complete the crosswalk network at the 15th Street/Martin Luther King Jr. Way intersection by adding a marked crosswalk along the east approach.
- Install pedestrian signal heads in both directions of all four pedestrian crossings at the Jefferson Street/14th Street intersection, if feasible without upgrading the entire signal equipment at the intersection.

As also described in Attachment D, implementation of the City of Oakland's SCAs would lessen the project's potential impacts related to construction activity in the public right-of-way and transportation and parking demand. With the implementation of the required SCAs listed in Attachment A at the end of this CEQA Analysis (for reference, these are **SCA TRANS-1: Construction Activity in the Public Right-of-Way, SCA TRANS-2: Bicycle Parking,** and **SCA TRANS-3: Transportation and Parking Demand**), the project would not result in significant effects related to traffic. Therefore, the project is consistent with Section 15332(d), traffic.

Noise

No specific noise study was conducted for this project because the proposed project would be subject to the City's SCAs related to construction and operational noise levels with regard to noise impacts on others. With implementation of the required SCAs included in Attachment A at the end of this CEQA Analysis (for reference, these are **SCA NOI-1: Construction Days/Hours**, **SCA NOI-2: Construction Noise, SCA NOI-3: Extreme Construction Noise**, **SCA NOI-4: Project-Specific Construction Noise Reduction Measures**, **SCA NOI-5: Construction Noise Complaints, SCA NOI-6: Exposure to Community Noise**, **SCA NOI-7: Operational Noise**, and **SCA NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities**), the project would not result in significant effects related to noise and vibration. Therefore, the project is consistent with Section 15332(d), noise.

Air Quality

The Project would result in an increase in criteria air pollutants and ozone precursor emissions from mobile on-road sources and onsite area sources during both the operational and construction periods. An Air Quality Analysis was prepared by Illingworth & Rodkin, Inc. for the proposed project (see Attachment E), based on the City of Oakland's significance thresholds and the BAAQMD's 2011 *CEQA Air Quality Guidelines.*[10]

The City of Oakland utilizes screening criteria to provide a conservative indication of whether a Project could result in potentially significant air quality impacts related to construction and operational emissions. If the Project's proposed number of hotel rooms is below the screening criteria, quantification of the Project's air pollutant emissions is not necessary to make a determination that the impact would be less than significant. The Project's 276 guest rooms are well below the operational criteria pollutant screening size of 489 units (56%), and well below the construction criteria pollutant screening size of 554 units (50%). Therefore, the Project is well below operational and construction criteria air pollutant screening standards and would not have significant Project-specific impacts related to operational and construction criteria emissions. However, since the CalEEE model was utilized to analyze greenhouse gas emissions, modeling was conducted on construction and operational emissions for criteria pollutants and ozone precursor emissions, to confirm the conclusions drawn from application of the project size screening level.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.1 was used to estimate emissions from construction and operation of the site assuming full

[10] BAAQMD, *California Environmental Quality Act Air Quality Guidelines*. May, 2011.

build-out of the project.[11] Emissions were compared to significance thresholds established by BAAQMD in June 2010, to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in the Air District's updated CEQA Guidelines (updated May 2017). The significance thresholds identified by BAAQMD and used in the air quality analysis are summarized in Table 2, below.

Table 2. Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Single Sources			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual $PM_{2.5}$	>0.3 µg/m^3		
Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)			
Excess Cancer Risk	>100 per one million		

[11] Illingworth & Rodkin, *1431 Jefferson Street Hotel Project Air Quality Assessment,* June 23, 2017, included as part of this CEQA document as Attachment E. This report is the basis for the analysis in this section.

Hazard Index	>10.0
Annual Average $PM_{2.5}$	>0.8 µg/m^3
Greenhouse Gas Emissions	
GHG Annual Emissions	Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons or 4.6 metric tons per capita
Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; and GHG = greenhouse gas.	

Construction Period Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines and City of Oakland consider these impacts to be less than significant if best management practices are implemented to reduce these emissions. Implementation of SCA AIR-1would ensure these impacts are less than significant.

The proposed project land uses were input into CalEEMod, which included: 276 rooms entered as "Hotel", 95 spaces entered as "Enclosed Parking with Elevator,", and 1,698 sf entered as "Strip Mall" on a 0.4-acre site.

Table 3 provides the results of modeling construction period emissions of ozone precursors (ROG and NOx) and fugitive dust (PM_{10} and $PM_{2.5}$). As the table shows, none of the pollutants would exceed significance thresholds adopted by the City. Construction period emissions would therefore produce a less-than-significant impact on air quality.

TABLE 3. CONSTRUCTION PERIOD EMISSIONS

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions (tons)	0.97 tons	1.74 tons	0.02 tons	0.02 tons

Average daily emissions (pounds)[1]	3.7 lbs.	6.7 lbs.	0.08 lbs.	0.08 lbs.
BAAQMD Thresholds (pounds per day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
Notes: [1]Assumes 520 workdays.				

The Project would be required to comply with applicable SCAs related to construction emissions (SCA AIR-1).[12] Implementation of the Basic controls under SCA AIR-1 (items a – j) would reduce emissions of both criteria air pollutants and TACs during construction. SCA AIR-1 minimizes construction health risks by requiring exposed surfaces to be watered; trucks hauling sand, soil, and other loose materials to be covered; visible dirt track-out to be removed daily; new roads, driveways, sidewalks to be paved within one month of grading or as soon as possible; stockpiles to be enclosed, covered, and watered twice daily; vehicle speeds on unpaved roads to be limited; and idling time to be limited. Further, SCA AIR-1 minimizes diesel emissions by minimizing idling; ensuring that construction equipment is running in proper condition; and by specifying that portable equipment would be powered by electricity if available.

Because the project includes demolition of the existing commercial building on site, SCA Air-1 as applied to this project includes the Enhanced Controls (k – y). Item (w) within SCA Air-1, calls for construction equipment to be equipped with Best Available Control Technology (BACT) for emission reductions of NOx and PM. BACT is interpreted by the City of Oakland to mean and to require all mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously to meet U.S. EPA particulate matter emissions standards for Tier 4 engines. Compliance with SCA Air-1 item (w) is expected to reduce on-site diesel exhaust emissions by over 80 percent.

Operational Emissions

Operational air emissions from the Project would be generated primarily from autos driven by future hotel occupants and employees. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. The only source of stationary air pollutants identified with build-out of the project is assumed to be an emergency back-up generator. The project proposes the inclusion of a 900 HP

[12] Note that SCA Air-1 is the same as SCA 19 as referenced in the Illingworth & Rodkin technical report, included herein as Attachment E.

(~670 KW) generator. It is assumed for this assessment that the generator would be driven by a diesel-fueled engine.

The emergency back-up generator would be used for backup power in emergency conditions. The generator would be operated for testing and maintenance purposes, with a maximum of 50 hours each per year of non-emergency operation under normal conditions allowed by BAAQMD. During testing periods the engine would typically be run for less than one hour. The engine would be required to meet CARB and U.S. EPA emission standards and consume commercially available California low-sulfur diesel fuel. The generator emissions were modeled using CalEEMod.

Table 4 displays the results of the modeling for operation emissions. As the table shows, none of the pollutants would exceed significance thresholds adopted by the City. Operational emissions from the Project would therefore produce a less-than-significant impact on air quality.

TABLE 4. OPERATIONAL EMISSIONS

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Project Annual Operational Emissions	**1.21 tons**	**3.23 tons**	**1.05 tons**	**0.31 tons**
Existing Emissions	**0.17 tons**	**0.76 tons**	**0.16 tons**	**0.05 tons**
Net Project Emissions	**1.04 tons**	**2.47 tons**	**0.89 tons**	**0.26 tons**
BAAQMD Thresholds (tons /yr)	***10 tons***	***10 tons***	***15 tons***	***10 tons***
Exceed Threshold?	***No***	***No***	**No**	**No**
Average Daily Net Project Operational Emissions (pounds)[1]	**5.7 lbs.**	**13.5 lbs.**	**4.9 lbs.**	**1.4 lbs.**
BAAQMD Thresholds (pounds/day)	***54* lbs.**	***54* lbs.**	***82* lbs.**	***54* lbs.**
Exceed Threshold?	**No**	**No**	**No**	**No**
[1] **Assumes 365-day operation.**				

Toxic Air Contaminants (TACs)

Project impacts related to increased community risk can occur either by (1) introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by (2) introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. The Project would introduce new sensitive receptors to the area in the form of future residences. It is anticipated that the Project would include an emergency back-up generators. However, the generator would only be operated for testing and emergency purposes.

Project Construction Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose community risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

A community risk assessment of Project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of DPM and $PM_{2.5}$.[13] The risk assessment was conducted in accordance with the State Office of Environmental Health Hassard Assessment (OEHHA) guidance as to the analysis methodology. The closest sensitive receptors to the project site, as indicated in the green dots shown in Figure 11 below include the single family houses to the west, and apartments to the east and south, located as close as 50 feet from the project site. Emissions and dispersion modeling was conducted to predict the off-site DPM concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.[14]

<u>On-Site Construction TAC Emissions</u>

Construction period emissions were computed using CalEEMod along with projected construction activity, as described above. The CalEEMod model provided

[13] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

[14] For detailed description of the methods and results of the air quality, HRA, and GHG analyses, see Attachment E.

total annual PM10 exhaust emissions (assumed to be DPM) for the off-road construction equipment used for construction of the project and for the exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles) of 0.0024 tons over the construction period. Fugitive dust $PM_{2.5}$ emissions were also computed and included in this analysis. The model estimates emissions of 0.005 tons of fugitive $PM_{2.5}$ over the construction period.

The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM and $PM_{2.5}$ concentrations at sensitive receptors (residences) in the vicinity of the project construction area. The maximum-modeled DPM concentration occurred at the first floor level of the apartment building to the east of the project site. The maximum modeled $PM_{2.5}$ concentration occurred at the same location. Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated. DPM concentrations and cancer risks were also computed at the residential apartments to the southeast of the project site. Attachment 3 to the Air Quality report (included with this document in Attachment E) includes the emission calculations used for the construction area source modeling and the cancer risk calculations.

Figure 11. Locations of Off-Site Sensitive Receptors and Construction and Generator Maximally Exposed Individual (MEI)

Cancer Risks

Results of the Health Risk Assessment indicate that the maximum residential excess cancer risk would be 29.6 in one million for infant exposure and 3.5 in one million assuming infant exposure. The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.02 µg/m3 at residential maximally exposed individual (MEI) and would not exceed the significance threshold of 0.3 µg/m3. The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was less than 0.01 µg/m3. The maximum computed HI based on this DPM concentration is less than 0.01, which is much lower than the BAAQMD significance criterion of a HI greater than 1.0.

Operational Community Risk Impacts

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources include freeways or highways, busy surface streets and stationary sources identified by BAAQMD. A review of the project area identified several substantial sources of mobile TAC emissions including Interstate 980 and 14th street. A review of BAAQMD's Google Earth map tool used to identify stationary sources revealed several sources with the potential to affect the Project site. As mentioned above, the Project itself would also include a backup generator.

Off-site Stationary Sources

Nine off-site stationary source generators with screening risks greater than zero were identified, of which eight were generators; other sources were fire tube boilers, diesel fire pump engines and internal combustion engines, as listed in Table 5, below. Modeling of unmitigated emissions for the combined sources resulted in a maximum cancer risk of 55.1 (below the BAAQMD significance threshold of >100); a maximum annual $PM_{2.5}$ concentration of <0.30 (below the significance threshold of 0.8); and a maximum hazard index of <0.09 (below the significance threshold of >10.0). Details of the modeling and risk calculations are included in Attachment 3 of the Air Quality Report, which is included in full in Attachment E.

Project Generator

As previously described, one emergency back-up generator driven by diesel-fueled engine would be associated with the project. The generator will be operated for testing and maintenance purposes, with a maximum of 50 hours per year of non-emergency operation under normal conditions. During testing periods the engine would typically be run for less than one hour under light engine loads. The engine would be required to meet U.S. EPA emission standards and consume commercially available California low sulfur diesel fuel. The project generator is subject to the City's SCA AIR-2.

The generator would also require permits from the BAAQMD, since it would be equipped with engines larger than 50 hp. As part of the BAAQMD permit requirements, an assessment that shows less-than-significant health risks from diesel particulate matter exposure would be required. The risk assessment, prepared by BAAQMD, would have to show that cancer risks are less than 10 per million and that the project includes Best Available Toxics Control Technology, which would set limits for diesel particulate matter emissions. Sources of air

pollutant emissions complying with all applicable BAAQMD regulations generally will not be considered to have a significant air quality community risk impact.

To obtain an estimate of potential cancer risks from the proposed generator, the AERMOD dispersion model was used to estimate the maximum annual DPM concentration at off-site sensitive receptor locations (residences). The maximum modeled DPM concentration occurred at a receptor adjacent to the construction MEI and was found to be 0.0031µg/m^3. Based on the maximum DPM concentration the maximum off-site residential cancer risk would be 2.3 in one million. The maximum on-site residential HI would be less than 0.001.

Increased cancer risks, $PM_{2.5}$ concentrations, and HIs at all sensitive receptors from operation of the project emergency generator would all be well below BAAQMD significance thresholds. Generator modeling information and risk calculations are included in Attachment F. This assessment demonstrates that the proposed generator, as a stationary source, does not exceed acceptable health risk levels and therefore fulfills requirements of the City's SCA AIR-2.

Cumulative Risk Assessment

The cumulative impacts of TAC emissions from construction of the Project and nearby stationary sources on the construction maximally exposed individual (MEI) have been summarized in Table 5. As shown in Table 5, the sum of impacts from combined sources at the construction MEI would be below the thresholds of significance and this impact would be considered less-than-significant.

Table 5. Impact of combined sources at the Maximally Exposed Individual (MEI)

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration (µg/m^3)	Maximum Hazard Index
Project Generator (Testing and Maintenance only)	2.3	<0.01	<0.01
I-980, Highway (BAAQMD Highway Screening Analysis Tool)	6.4	<0.01	<0.01
14th Street (BAAQMD Roadway Screening Calculator)	2.6	<0.07	<0.03
Plant 14301, City of Oakland,	6.9	0.0	~0

Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor*, BAAQMD distance multiplier) at ~660 feet			
Plant 14354, Shorenstein Realty Services, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor,* BAAQMD distance multiplier) at ~890 feet	4.9	<0.01	~0
Plant 16838, Shorenstein Realty Services LP, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , BAAQMD distance multiplier) at ~460 feet	4.0	<0.01	~0
Plant 16749, General Services Administration, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , Beta Calculator v1.3) at~265 feet	4.6	<0.03	<0.01
Plant 19281, General Services Administration, Generator (*BAAQMD provided emission information* , Beta Calculator v1.3) at~250 feet	15.0	0.03	<0.01
Plant 14423, Oakland 14th Street, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , BAAQMD distance multiplier) at ~775 feet	6.0	0.0	~0
Plant 16835, Shorenstein Realty	1.1	~0	~0

Services LP, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , BAAQMD distance multiplier) at ~140 feet			
Plant 16271, D G Cogen Partners, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , BAAQMD distance multiplier) at ~250 feet	0.0	0.11	0.0
Plant 16837 Shorenstein Realty Services LP, Generator (*2011 Screening Values*, 2015 *OEHHA adjustment factor* , BAAQMD distance multiplier) at~365 feet	0.02	~0	<0.01
Cumulative Total **Controlled**	53.8	<0.28	<0.08
BAAQMD Threshold – Cumulative Sources	***>100***	***>0.8***	***>10.0***
Significant?	***No***	***No***	***No***

Implementation of the City of Oakland's SCAs would lessen the Project's impacts related to construction-phase criteria pollutant emissions and cumulative health risks from TAC emissions posed by the Project. With the implementation of the required SCAs listed in Attachment A (SCA AIR-1: Construction-Related Air Pollution [Dust and Equipment Emissions] and SCA AIR-2: Exposure to Air Pollution [Toxic Air Contaminants]), the Project would not result in significant effects related to air quality. Therefore, the Project is consistent with Section 15332(d), air quality.

In addition, the Project would not substantially increase the severity of the significant air quality impacts identified in the Redevelopment Plan EIR, nor would it result in new significant air quality impacts that were not identified in the Redevelopment Plan EIR. Further, there have been no substantial changes in

circumstances following certification of the Redevelopment Plan EIR that would result in any new specific air quality impacts.

As also described in Attachment E, implementation of the City of Oakland's SCAs would lessen the project's impacts related to construction-phase criteria pollutant emissions and cumulative health risks from TAC emissions posed by the project. With the implementation of the required SCAs listed in Attachment A (for reference, these are **SCA AIR-1: Construction-Related Air Pollution [Dust and Equipment Emissions]** and **SCA AIR-2: Stationary Sources of Air Pollution [Toxic Air Contaminants]**) and **SCA Air-3: Asbestos in Structures**, the project would not result in significant effects related to air quality. Therefore, the project is consistent with Section 15332(d), air quality.

Water Quality

The Project is located within a highly urbanized environment and there are no lakes, creeks or other surface waters in the immediate proximity. Lake Merritt, which is the nearest surface water body, is approximately 3,300 feet to the east (0.63 miles) and is separated from the project site by urban development and Snow Park.

Construction of the Project will involve demolition, grading and construction, all of which could result in erosion and/or sedimentation of downstream receiving waters. Since the construction of the Project will involve a land disturbance of over 10,000 sf, a Stormwater Pollution Prevention Plan (SWPPP) is required to be prepared under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB).

Because the Project is within 0.25 miles of a transit hub, it would qualify for 100 percent Low Impact Development (LID) treatment reduction credits, which allow for non-LID treatment (per Provision C.3 of the Municipal Regional Permit). The Project would direct all storm drainage to a media filter device located inside the building, treating 100 percent of the Project site's impervious surface runoff using Bay Area Stormwater Management Agencies Association (BASMAA)-approved media filter devices.

The proposed Project would require excavation of approximately 5,800 cubic yards (cy) of soil for construction of the building foundation. As indicated in City of Oakland Code of Ordinance Section 15.04.660, projects within the City that propose to excavate more than 500 cubic yards of soil are required to obtain a grading permit. The grading permit would require the Project to comply with local and state construction requirements, including the California Building Code, for design and construction. **SCA-HYD-1: Erosion and Sedimentation Control Plan**

for Construction would reduce the Project's potential to cause erosion and sedimentation from construction activities.

Under the existing conditions, the Project site is almost entirely paved with impervious surfaces totaling 17,643 square feet. The total post-project impervious surface area would be the same. Therefore, given that the site is relatively flat and impervious surface area would not be changed, the potential of the project to substantially alter drainage patterns or increase the flow of runoff would not be significant. The proposed project would also incorporate stormwater treatment measures in compliance with the C.3 requirements and implement the **SCA-HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects**.

With implementation of the required SCAs listed in Attachment A at the end of the CEQA Analysis (**SCA-HYD-1** and **SCA-HYD-2**), the Project would comply with the NPDES Permit requirements and reduce potential impacts related to water quality. Therefore, as described above, the Project would not result in significant effects related to water quality and is consistent with Section 15332(d), water quality.

Criterion Section 15332(e): Utilities and Public Services

Yes	No	
☑	❒	The site can be adequately served by all required utilities and public services.

On-site utilities would include storm drainage, electricity, gas, domestic water, and wastewater. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The required utilities can be adequately serviced by utility providers. The project applicant would pay all fees in accordance with the City's Master Fee Schedule to fund utility improvements as required.

As a land use, the proposed 276-room hotel is consistent with the General Plan LUTE and LUTE Environmental Impact Report (EIR) (1998), and the Central District Urban Renewal Plan Amendments EIR (2011) collectively referred to herein as the Program EIRs—and the proposed project's increase in demand for public services is consistent with these prior CEQA analyses. The proposed project would not affect student enrollment at local schools and therefore there is no requirement for the project sponsor to pay school impact fees, which are established to offset potential impacts from new development on school facilities.

With implementation of the required SCAs listed in Attachment A at the end of the CEQA Analysis (for reference, these are **SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling**, **SCA-UTIL-2: Underground Utilities**, **SCA-UTIL-3: Recycling Collection and Storage Space**, **SCA-UTIL-4:**

Green Building Requirements, **SCA-UTIL-5: Sanitary Sewer System**, and **SCA-UTIL-6: Storm Drain System**), potential impacts to utilities and public services would be reduced. Therefore, the project site can be adequately served by all required utilities and public services and would not result in significant effects, consistent with Section 15332(e), utilities and public services.

IX. EXCEPTIONS TO CATEGORICAL EXEMPTIONS

Under the Class 32 Categorical Exemption Overview, even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following section addresses whether any of the exceptions to the CEQA exemption apply to the project, consistent with CEQA Guidelines Section 15300.2.

Criterion 15300.2(a): Location

Yes	No	
❒	☑	Is there an exception to the exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies?

This exception applies only to CEQA exemptions under Classes 3, 4, 5, 6 or 11. Since the project qualifies as a Class 32 urban infill exemption, this criterion is not applicable and is provided here for information purposes only. There are no environmental resources of hazardous or critical concern that are designated, precisely mapped or officially adopted in the vicinity of the project site, or that could be adversely affected by the project. Therefore, exception under CEQA Guidelines Section 15300.2(a) does not apply to the project.

Criterion 15300.2(b): Cumulative Impact

Yes	No	
❒	☑	Is there an exception to the exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time?

As demonstrated under Criterion Section 15332(a), General Plan and Zoning Consistency, the project is consistent with the development density allowed under the General Plan and zoning for the site. There are no peculiar aspects that would increase the severity of any of the previously identified significant cumulative effects in the Program EIRs.

Pursuant to the streamlining provisions of CEQA Guidelines Sections 15183 and 15183.3, the cumulative effect of successive projects of the same type in the same place, over time would not be significant. Community Plan Exemption findings and Qualified Infill Exemption findings are provided in Attachments B and C of CEQA Analysis. These additional exemption analyses present findings that an exception under CEQA Guidelines Section 15300.2(b) regarding cumulative effects does not apply to the project.

Criterion 15300.2(c): Significant Effect

Yes	No	
❒	☑	Is there an exception to the exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances?

There are no known unusual circumstances applicable to the project or its site that may result in a significant effect on the environment. Therefore, the exception under CEQA Guidelines Section 15300.2(c) does not apply to the project.

Criterion 15300.2(d): Scenic Highway

Yes	No	
❒	☑	Is there an exception to the exemption for the project because project may result in damage to scenic resources including but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway?

The project site does not contain trees, historic buildings, rock outcroppings or similar visual resources, and is not visible from any state scenic highways described in the General Plan's Scenic Highway Element or as identified by California Department of Transportation.[15] The nearest scenic highway is Macarthur Freeway (I-580),[16] which is approximately 1.6 miles northeast of the site; the project site is not visible from I-580. Adjacent and nearby buildings on 15th and 14th Streets and on the east side of Jefferson Street have various historic ratings per the Oakland Cultural Heritage Survey. However, the proposed project would not impact these buildings[17] and applicable SCAs would reduce potential impacts, as described under Groundborne Vibration above. See also discussion

[15] Department of Transportation, California. 2016. *Officially Designated State Scenic Highways and Historic Parkways, Alameda County*. Accessed April 25. Website: www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

[16] Department of Transportation, California. 2016. *Route 580 – Scenic Highway*. Accessed April 25. Website: www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

[17] See a + h Architecture + History, *Historic Resource Evaluation – 1431 Jefferson Street, June 23, 2017, included as Attachment F.*

under Criterion 15300.2(f), Historical Resources below. Therefore, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the project.

Criterion 15300.2(e): Hazardous Waste Sites

Yes	No	
❒	☑	Is there an exception to the exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?

The provisions of Government Code Section 65962.5 are commonly referred to as the "Cortese List." The provisions require the Department of Toxic Substance Control (DTSC), the SWRCB, the California Department of Public Health (DPH),[18] and the California Department of Resources Recycling and Recovery (CalRecycle) to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, leaking underground tank sites, and/or hazardous materials releases to the Secretary of California Environmental Protection Agency (Cal/EPA). As summarized in Table 6, the Project site is not identified on any lists compiled pursuant to Section 65962.5 of the Government Code; therefore, an exception to the exemption under CEQA Guidelines Section 15300.2(e) does not apply to the Project.

TABLE 6 SUMMARY OF CORTESE LIST SEARCH RESULTS

Government Code Section	Responsible Agency	List Description	Project Identified on List?
65962.5(a)(1)	DTSC	List of hazardous waste facilities where DTSC have taken or contracted for corrective action because the owner failed to comply with an order or DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment.	No
65962.5(a)(2)	DTSC	List of all land designated as hazardous waste property or border zone property.	No
65962.5(a)(3)	DTSC	List of probable unauthorized disposal of hazardous waste on, under or into the land which the city, county, or state agency owns or leases. As of 1 April 2016, DTSC has not maintained or submitted a list of these records to Cal/EPA, but has indicated that they plan to in the future.	No
65962.5(a)(4)	DTSC	List of sites where a hazardous substance release has been confirmed by on-site sampling and a response action is required.	No
65962.5(a)(5)	DTSC	List of sites in the Abandoned Site Assessment	No

[18] Formerly the California Department of Health Services.

Government Code Section	Responsible Agency	List Description	Project Identified on List?
		Program. DTSC concluded the Abandoned Site Assessment Program in the 1990's and no longer maintains or submits a list of these records to Cal/EPA.	
65962.5(b)	DPH	List of all public drinking water wells that contain detectable levels of organic contaminants or require water quality analysis. Since all required analyses required for this list were to have been completed by 1988, DHS no longer submits a list of these records to Cal/EPA. In addition, DHS does not provide the location of public drinking water wells to the public.	No
65962.5(c)(1)	SWRCB	List of all underground storage tanks for which an unauthorized release report is filed. The SWRCB provides information about "Leaking Underground Storage Tank Cleanup Sites" in its GeoTracker database, which includes reports filed each year going back to fiscal year 1996/1997. According to SWRCB, both "active" and "closed" sites are included on the list.	No
65962.5(c)(2)	SWRCB	List of all solid waste disposal facilities from which there is a migration of hazardous waste into water.	No
65962.5(c)(3)	SWRCB	List of sites for which either a Cease and Desist Order or a Cleanup or Abatement Order was issued that concerns the discharge of wastes that are hazardous materials.	No
65962.5(d)	CalRecycle	Former list of solid waste disposal facilities from which there is a known migration of hazardous waste. Subsequent legislation (AB 1220 Solid Waste Disposal Regulatory Reform Act of 1993) superseded this requirement, and lists compiled under Sections of 65962.5(c)(2) and/or 65962.5(c)(3) should capture this information.	No

Source: AEI Consultants, 2013.

In April 2013, a Phase I Environmental Site Assessment (ESA) was prepared for the project site.[19] The Phase I ESA identified no Recognized Environmental Conditions (RECs) on the project site and did not identify any environmental liens or use limitations for the site.

[19] *AEI Consultants, Inc., 2013. Phase I Environmental Site Assessment on 1431 Jefferson Street, APN 003-0071-016, -017 and – 018, February 20, 2013.*

The proposed project would be required to follow the applicable laws and regulations related to transportation, use, and storage of all hazardous materials and to safeguard workers and the general public. The project would be subject to the City of Oakland's **SCA HAZ-1: Hazardous Materials Related to Construction**, which requires implementation of best management practices for hazardous materials during construction, **SCA HAZ-2: Hazardous Building Materials and Site Contamination,** which requires (a) submission of a hazardous building materials assessment, (b) submittal of environmental site assessments, (c) submittal of a health and safety plan and (d) compliance with best management practices for contaminated sites**, and SCA HAZ-3: Hazardous Materials Business Plan**. With the implementation of **SCA HAZ-1, SCA HAZ-2 and SCA HAZ-3**, the project's potential impacts related to the exposure to hazardous materials during construction contamination would not be significant.

Criterion 15300.2(f): Historical Resources

Yes	No	
❒	☑	Is there an exception to the exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource?

Historic Architectural Resources

An Historic Resource Evaluation (HRE) was conducted for the Project site and surrounding areas by a+h, llc (Attachment F). The Project site is occupied by a surface parking lot and a 1-story masonry commercial building which was found to not have historical or cultural significance.[20] Therefore, construction of the Project would not have any direct impacts to historical resources.

An assessment of potential indirect impacts on nearby historic resources was performed, including the adjacent 15th and Grove House Group Area of Primary Importance, identified by the Oakland Cultural Heritage Survey (OCHS) in January 1985, consisting of three Victorian-era houses: 619 15th Street, 627 15th Street, and 1400-1442 Martin Luther King Way (formerly Grove Street).

Other historic resources in the immediate vicinity of the Project site that have been evaluated for their historic characteristics include the following buildings:

- Oakland Downtown National Register Historic District
- 584-588 14th Street - The Hotel Sutter
- 1418-1422 Jefferson Street – the former Hotel Savoy Cafeteria and Restaurant
- 1424-1430 Jefferson Street / 593-597 15th Street – Hotel Savoy

[20] *architecture + history, llc, historic resource evaluation 1431 jefferson street, oakland, ca, June 23, 2017.*

- 610-614 14th Street
- 616 14th Street
- 618-622 14th Street
- 624-628 14th Street
- 644-648 14th Street, The former Hotel Alamo/Hotel Woodrow
- 634-646 15th Street

Conclusions

CEQA Public Resources Code §21084.1 provides that any project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. A "substantial adverse change" is defined to include demolition, destruction, relocation, or alteration such that the significance of the historical resource would be impaired. An historical resource is a resource that is:

listed in, or determined to be eligible for listing, in the California Register of Historical Resources;

included in a local register of historical resources; or

is identified as significant in a historic resource survey if that survey meets specified criteria.

According to CEQA Guidelines §15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record. The building at 600 14th Street does not qualify as an historical resource under the criteria of the California Register of Historical Resources and is therefore not considered an historical resource under CEQA.

The proposed project would not involve demolition, destruction, relocation or alteration of any known historic resources. The proposed site includes a vacant lot utilized for surface parking and a building constructed in 1982 that does not meet the definition of an historic resource under CEQA. The project would not materially impair any historic resources on the project site or result in “substantial adverse change” in the significance of any known historic resources..

Further, the construction of the proposed new building near designated historic resources would not impair either individually significant or historic district contributors such that the significance of these resources would be materially impaired. While the proposed project would include new construction located adjacent to individually significant historic resources and near, but not within the

boundaries of historic districts, it would not result in the removal of any character-defining features of the nearby historic districts. While the new construction is larger in scale than the buildings in the surrounding area, its use of varying heights and setbacks assists in diminishing the scale and massing of the proposed project.

Given that the City of Oakland has well-established Standard Conditions of Approval for archaeological resources discovered during construction (**SCA-CULT-1: Archaeological and Paleontological Resources – Discovery During Construction** and **SCA-CULT-2: Human Remains – Discovery during Construction)** and for construction vibration as it might impact adjacent historic resources (**SCA-NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities)**, these will be implemented if and when necessary further eliminating any potential impacts to historic resources. With regard to vibration, special attention should be paid to the historic resources within the immediate project block including the Grove Housing Group.

Taking into account the information above and the fact that the project does not materially impair historic resources, the project will not contribute to cumulative impacts to historic resources.

The Project would not indirectly materially impair any of the adjacent historic resources, either within the same block or in adjacent blocks. Because the Project would be taller than the existing buildings surrounding the site, it would cast net new shadows on nearby streets and buildings including shadows on historic resources – particularly the adjacent building located at 619 15th Street. The extent of new shadows cast by the project are illustrated in diagrams shown in the shadow study prepared for the project and included as Attachment G. The effect of the shadows on historic resources was addressed by the historic resource consultant, Bridget Maley, principal in the firm architecture + history (a + h). Her assessment concludes that although the project will result in new shadows, the shadows would not involve direct impacts to historic resources and would not result in "substantial adverse change" in the significance of any of the nearby historic resources. Overall, the new shadows would not materially impair adjacent resources' historic significance by materially altering the physical characteristics of the resources that convey their historical significance and that justify their inclusion on or eligibility for listing in any federal, state or local registers.

With required implementation of **SCA-NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities** described under Criterion Section 15332(d) Noise above, potential adverse vibration effects on adjacent historic architectural resources would not be significant, and the exception under CEQA Guidelines Section 15300.2(f) does not apply.

Archaeological Resources

The project site is located within an urbanized portion of the downtown, has been previously developed and is surrounded by other urban development. While no archaeological research, investigations or database searches have been conducted for the project site, consideration was given to the potential for paleontological resources to be found beneath the earth surface in the downtown area in the Central District Urban Renewal Plan Amendments EIR (2011):

> "The Project Area overlies geologic units that have low to moderate paleontological sensitivity. Artificial fill forms the ground surface in many portions of the Project Area, overlying deposits of mud and silt associated with the present-day estuary (Bay Mud). This Bay Mud overlies Merritt Sand, which is composed of Pleistocene-age deposits of wind-blown sand as much as 50 feet thick in the Project Area (Graymer, 2000). Generally, these types of geologic deposits do not preserve significant vertebrate fossils. While the Bay Mud may preserve a variety of recent marine invertebrate fossils (mollusks, clams, foraminifera, microorganisms, etc…), such fossils are likely to exist in other Bay Mud deposits all around the Bay Area and would not be considered significant or unique.[21]

This and other studies indicate that the general area has low to moderate paleontological sensitivity and fossils could be discovered during excavation, and the inadvertent discovery of human remains during ground-disturbing activities could occur.

Implementation of **SCA-CULT-1: Archaeological and Paleontological Resources – Discovery During Construction** and **SCA-CULT-2: Human Remains – Discovery during Construction** would ensure that appropriate procedures would be followed in the event of accidental discovery of archaeological resources or human remains to minimize potential risks of impact during project construction. With required implementation of these SCAs, potential adverse effect on as-yet undiscovered archaeological and/or historic resources would not be significant. Therefore, the exception under CEQA Guidelines Section 15300.2(f) does not apply to the project.

[21] City of Oakland, 2011, Proposed Amendments To The Central District Urban Renewal Plan Draft Environmental Impact Report, SCH No. 2010102024, April 2011, p. 4.4-5.

Criterion 15300.2: Other Potential Effects

Yes	No	
❒	☑	Is there an exception to the exemption for the project because the project may result in substantial adverse impacts other than those discussed above?

Shade and Shadow

Based on City of Oakland significance threshold criteria, potential adverse effects pertaining to shadows from new buildings within the downtown area of Oakland were also considered as described below.

Under City of Oakland thresholds of significance, a project would have a significant shadow impact if it were to introduce landscape that would cast substantial shadows on existing solar collectors; if it were to cast a shadow that substantially impairs the function of a building using passive solar energy; if it were to cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or if it were to cast a shadow on an historic resource such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its designation as an historic resource.

There appears to be only one nearby building with a solar array located on its roof – the two-story Victorian building at 619 15th Street, adjacent to the project site. The RWDI shadow analysis prepared for the project (Attachment G), shows that new shadows would fall on this building during each of the four critical dates studied (i.e., April 21, June 21, September 21 and December 21) beginning at noon and, except for the winter solstice (December 21), throughout most of the afternoon hours. Further analysis indicates that shadows cast by the project will result in a loss of approximately 25 percent of the absorption potential (the "insolation") of the solar collectors on the roof of the adjacent building on 15th Street.[22] However, such loss would not substantially impair the function of building because the solar equipment consists of photovoltaic solar collectors used to generate electricity (as opposed to heat or hot water) and any loss in solar-generated electrical power can be made up for with additional power drawn from the local provider, PG&E, with no impairment to the functionality of the building. Shadow effects on solar collectors, therefore, are considered less than significant.

[22] RWDI, Inc., *1431 Jefferson Oakland CA, Solar Energy Impact Assessment*, May 3, 2017, included herein as Attachment I.

The assessment of cumulative shadow effects on historic resources considers impacts of the project along with the shadows that would be cast by other proposed projects in the vicinity. The RWDI shadow study includes the shadow effects from the one building known to be included as part of the cumulative analysis – a building located at 632 14th St. The shadow study demonstrates that shadows from the project and cumulatively would not affect local parks or historic resources.

Overall, the project would not have a significant shadow impact.

Greenhouse Gas Emissions

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Based on City of Oakland significance threshold criteria, potential project-level impacts pertaining to greenhouse gas emissions were also considered as summarized below and detailed in Attachment E, Air Quality and GHG Analysis.

The City's significance threshold criterion states that a project would have a significant impact on the environment if it would generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. Specifically, a significant impact would occur if:

For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO2e annually [NOTE: Stationary sources are projects that require a BAAQMD permit to operate, such as those where a diesel powered back up generator will be used].

For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO2e annually **and** more than 4.6 metric tons of CO2e per service population annually.

The project's construction and operational emissions of GHGs, expressed as CO2e emissions, were modeled using methodology recommended by the Bay Area Air Quality Management District (BAAQMD). The annual GHG emissions would be affected by the occupancy of the hotel. The number of future occupants is estimated at 166 assuming that the hotel operates at an average annual occupancy of 60 percent.[23] Operational mobile, water usage and solid waste generation emissions were reduced to adjust for this estimate of average annual occupancy. Approximately 62 percent of the mobile trips are made by customers,

[23] The hotel consist of 276 rooms; the 60% average occupancy estimate provided by the Project applicant.

so mobile emissions were reduced by 25 percent to account for annual occupancy. A similar reduction was applied to energy usage and solid waste generation.

GHG emissions associated with construction were computed to be 488 metric tons (MT) of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. While BAAQMD has not proposed a threshold of significance for construction-related GHG emissions, the City of Oakland's adopted thresholds specify that the project's expected GHG emissions during construction should be annualized over a period of 40 years and then added to the expected emissions during operation for comparison to the operational threshold. A 40-year period is used because 40 years is considered the average life expectancy of a building before it is remodeled with considerations for increased energy efficiency. The project's construction emissions are included in the operational emissions below.

In 2019, as shown in Table 7, annual net emissions resulting from operation of the proposed project are predicted to be 641 MT of CO_2e, which would be less than the BAAQMD significance threshold of 1,100 MT of CO_2e/ year. The project would include an emergency generator that would be subject to BAAQMD's stationary source threshold of 10,000 MT/year. The emissions from the project generator would be well below that threshold. Therefore, the project would not exceed the significance threshold identified above and thus would not have a significant impact in relation to GHG emissions.

TABLE 7. ANNUAL PROJECT GHG EMISSIONS (CO_2E) IN METRIC TONS

Source Category	Proposed Project 2019[1]	Existing
Construction (amortized over 40 years)	12	-
Area	~0	0
Energy Consumption	269	12
Mobile	588	241
Solid Waste Generation	35	8
Water Usage	11	1
Total	**915**	**262**
Net Project Emissions	**653** MT of CO2e/year	

BAAQMD Threshold	***1,100* MT of CO2e/year**	
Stationary Equipment	10	-
BAAQMD Threshold	***10,000* MT of CO2e/year**	
Significant?	***No***	

The project is also required to determine if a GHG Reduction Plan is required in accordance with the City' SCAs. The City's current SCA for a GHG Reduction Plan (Greenhouse Gas (GHG) Reduction Plan) applies to any project that meets one of three scenarios:

a. Scenario A: Projects which (a) involve a land use development (i.e., a project that does not require a permit from the Bay Area Air Quality Management District [BAAQMD] to operate), (b) exceed the GHG emissions screening criteria contained in the BAAQMD CEQA Guidelines, and (c) after a GHG analysis is prepared would produce total GHG emissions of more than 1,100 metric tons of CO2e annually and more than 4.6 metric tons of CO2e per service population annually (with "service population" defined as the total number of employees and residents of the project).

b. Scenario B: Projects which (a) involve a land use development, (b) exceed the GHG emissions screening criteria contained in the BAAQMD CEQA Guidelines, (c) after a GHG analysis is prepared would exceed at least one of the BAAQMD Thresholds of Significance (more than 1,100 metric tons of CO2e annually OR more than 4.6 metric tons of CO2e per service population annually), and (d) are considered to be "Very Large Projects."

c. Scenario C: Projects which (a) involve a stationary source of GHG (i.e., a project that requires a permit from BAAQMD to operate) and (b) after a GHG analysis is prepared would produce total GHG emissions of more than 10,000 metric tons of CO2e annually.

The proposed project does not meet any of these three scenarios (see Attachment E for a detailed discussion) and therefore is not required to implement the Greenhouse Gas (GHG) Reduction Plan SCA.

Overall, the project would not have a significant GHG impact.

ATTACHMENT A: CITY OF OAKLAND – STANDARD CONDITIONS OF APPROVAL

The City of Oakland's Uniformly Applied Development Standards adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs) were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCAs apply to a specific project. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume that these SCAs will be imposed and implemented by the project, and are not imposed as mitigation measures under CEQA.

All SCAs identified in the CEQA Analysis—which is consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998)—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

The first column identifies the SCA applicable to that topic in the CEQA Analysis.

The second column identifies the monitoring schedule or timing applicable to the project.

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

In addition to the SCAs identified and discussed in the CEQA Analysis, other SCAs that are applicable to the project are included herein.

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

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided—i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions) (#19)**.

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
Aesthetics, Shadow and Wind			
SCA-AES-1: Graffiti Control. (#16) a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation: i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include: i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required).	Ongoing	N/A	Bureau of Building
SCA-AES-2: Landscape Plan. (#17) *a. Landscape Plan Required* The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.	Prior to approval of construction-related permit	Bureau of Planning	N/A
b. Landscape Installation The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable	Prior to building permit final	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.			
c. Landscape Maintenance All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing	N/A	Bureau of Building
SCA-AES-3: Lighting. (#18) Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.	Prior to building permit final	N/A	Bureau of Building
Air Quality			
SCA-AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions). (#19) The project applicant shall implement all of the following applicable air pollution control measures during construction of the project: a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless	During construction	N/A	Bureau of Planning

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
seeding or soil binders are used.			
e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).			
f. Limit vehicle speeds on unpaved roads to 15 miles per hour.			
g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.			
h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").			
i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.			
j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.			
k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.			
l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.			
m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.			
n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.			
p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.			
q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.			
r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.			
s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.			
t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.			
u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.			
v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).			
w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.			
x. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.			
y. Post a publicly-visible large on-site sign that includes the contact name and phone number for			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.			
SCA-AIR-2: Stationary Sources of Air Pollution (Toxic Air Contaminants). (#21) The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants.	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
SCA-AIR-3: Asbestos in Structures. (#23). The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
Cultural Resources			
SCA-CULT-1: Archaeological and Paleontological Resources – Discovery During Construction. (#29) Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense. In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.			
SCA-CULT-2: Archaeologically Sensitive Areas—Pre-Construction Measures. (#30) Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources. Provision A: Intensive Pre-Construction Study. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City 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. At a minimum, the study shall include:	Prior to approval of construction-related permit; during construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. 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 and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts 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, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
SCA-CULT-3: Human Remains – Discovery during Construction. (#31) Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.	During Construction	N/A	Bureau of Building
Geology and Soils			
SCA-GEO-1: Construction-Related Permit(s). (#33) The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
SCA-GEO-2: Soils Report. (#34) The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
Hazards and Hazardous Materials			
SCA-HAZ-1: Hazardous Materials Related to Construction. (#39) The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following: a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.			
SCA HAZ-2: Hazardous Building Materials and Site Contamination (#40) **a. *Hazardous Building Materials Assessment*** The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall	a) Prior to approval of demolition, grading, or building permits	a) Bureau of Building	a) Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.			
b. ***Environmental Site Assessment Required*** The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.	b) Prior to approval of construction-related permit	b)Applicable regulatory agency with jurisdiction	b)Applicable regulatory agency with jurisdiction
c. ***Health and Safety Plan Required*** The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.	c) Prior to approval of construction-related permit	c) Bureau of Building	c) Bureau of Building
d. ***Best Management Practices (BMPs) Required for Contaminated Sites*** The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:	d) During Construction	d) N/A	d) Bureau of Building
i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.			
ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.			
SCA-HAZ-3: Hazardous Materials Business Plan. (#41) The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following: a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported, and disposed.	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
Hydrology and Water Quality			
SCA-HYD-1: Erosion and Sedimentation Control Plan for Construction. (#45) *a. Erosion and Sedimentation Control Plan Required* The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.			
b. Erosion and Sedimentation Control During Construction Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (September 15 through April 15) unless specifically authorized in writing by the Bureau of Building.	During Construction	N/A	Bureau of Building
SCA-HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. (#50) *a. Post-Construction Stormwater Management Plan Required* The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.	Prior to Approval of Construction-Related Permit	Bureau of Planning; Bureau of Building	Bureau of Building
b. Maintenance Agreement Required The project applicant shall enter into a maintenance	Prior to Building Permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.	Final		
Noise			
SCA-NOI-1: Construction Days/Hours. (#58) The project applicant shall comply with the following restrictions concerning construction days and hours: a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. 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. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.			
SCA-NOI-2: Construction Noise. (#59) The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c. Applicant shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
equivalent noise reduction. e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.			
SCA-NOI-3: Extreme Construction Noise. (#60) *a. Construction Noise Management Plan Required* Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following: i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and v. Monitor the effectiveness of noise attenuation measures by taking noise measurements. Based on the potential noise impacts from construction equipment to nearby sensitive receptors, the following draft site-specific noise attenuation measures are additionally recommended for inclusion in the Construction Noise Management Plan: • Temporary noise barriers will be placed between the proposed construction activities and nearby receptors. The noise barriers may be constructed from plywood and installed on top of a portable	Prior to Approval	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
concrete K-Rail system to be able to move and/or adjust the wall location during construction activities. A sound blanket system hung on scaffolding, or other noise reduction materials that result in an equivalent or greater noise reduction than plywood, may also be used. Due to the proximity of the commercial and apartment buildings located at the northern and southern borders of project site, respectively, the use of Sound Transmission Class (STC) rated materials, or other materials that could similarly provide high levels of noise reduction above what plywood or sound blankets alone could provide, should be incorporated into the design of the noise barriers installed at these borders. An STC rating roughly equals the decibel reduction in noise volume that a wall, window, or door can provide. Therefore, using STC-rated materials could substantially increase the level of noise reduction provided by the barrier. The composition, location, height, and width of the barriers during different phases of construction will be determined by a qualified acoustical consultant and incorporated into the Construction Noise Management Plan for the project. • Best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) will be used for project equipment and trucks during construction wherever feasible. For example, exhaust mufflers on pneumatic tools can lower noise levels by up to about 10 dBA and external jackets can lower noise levels by up to about 5 dBA. • Noise control blankets will be utilized on the building structure as the building is erected to reduce noise emission from the site. The use of noise control blankets will particularly be targeted to cover the levels of the building that have line of sight with the windows of adjacent receptors; • Construction equipment will be positioned as far away from noise-sensitive receptors as possible. The project site is surrounded by hard surfaces, and therefore, for every doubling of the distance between a given receptor and construction equipment, noise will be reduced by approximately 6 dBA. *b. Public Notification Required* The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.			
SCA-NOI-4: Project-Specific Construction Noise Reduction Measures. (#61) The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
SCA-NOI-5: Construction Noise Complaints. (#62) The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include: a. Designation of an on-site construction complaint and enforcement manager for the project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
SCA-NOI-6: Exposure to Community Noise. (#63) The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
practicable, interior noise levels shall not exceed the following: a. 45 dBA: Residential activities, civic activities, hotels. b. 50 dBA: Administrative offices; group assembly activities. c. 55 dBA: Commercial activities. d. 65 dBA: Industrial activities.			
SCA-NOI-7: Operational Noise. (#64) Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.	Ongoing	N/A	Bureau of Building
SCA-NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. (#66) The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the following properties located in an Area of Primary Importance: • 619 15th Street • 627 15th Street • 1432 MLK, Jr. Way • 584-588 14th Street (the Hotel Sutter) • 1418-1422 Jefferson Street (former Hotel Savoy) • 1424 – 1430 Jefferson Street, 593 – 597 15th Street (Hotel Savoy) The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. Design considerations may include operating heavy-construction equipment as far away from vibration-sensitive sites as possible and not performing demolition, earth-moving, and other ground-impacting operations simultaneously. The applicant shall implement the recommendations during construction.	Prior to Construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
Transportation /Traffic			
SCA-TRANS-1: Construction Activity in the Public Right-of-Way. (#68) *a. Obstruction Permit Required* The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
b. Traffic Control Plan Required In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.	Prior to Approval of Construction Related Permit	Public Works Department, Transportation Services Division	Bureau of Building
c. Repair City Streets The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.	Prior to Building Permit Final	N/A	Bureau of Building
SCA-TRANS-2: Bicycle Parking. (#69) The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
SCA-TRANS-3: Transportation and Parking Demand. (#71) *a. Transportation and Parking Demand Management (TDM) Plan Required* The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. i. The goals of the TDM Plan shall be the following:	Prior to Approval of Construction-Related Permit	Bureau of Planning	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
• Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project. • Achieve the following project vehicle trip reductions (VTR): o Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR o Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. TDM strategies to consider include, but are not limited to, the following: • Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. • Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. • Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. • Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. • Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. • Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). • Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
modes. • Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). • Guaranteed ride home program for employees, either through 511.org or through separate program. • Pre-tax commuter benefits (commuter checks) for employees. • Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. • On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
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.			
b. TDM Implementation — Physical Improvements For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.	Prior to Building Permit Final	Bureau of Building	Bureau of Building
c. TDM Implementation — Operational Strategies 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 achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.	Ongoing	Bureau of Planning	Bureau of Planning
Utilities and Service Systems			
SCA-UTIL-1: Construction and Demolition Waste Reduction and Recycling. (#74) The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/ modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in	Prior to Approval of Construction-Related Permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalo systems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.			
SCA-UTIL-2: Underground Utilities. (#75) The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.	During Construction	N/A	Bureau of Building
SCA-UTIL-3: Recycling Collection and Storage Space. (#76) The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
SCA-UTIL-4: Green Building Requirements. (#77) *a. Compliance with Green Building Requirements During Plan-Check* The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the application for a building permit: • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
• Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. Ii. The set of plans in subsection (i) shall demonstrate compliance with the following: • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. • A minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water) as defined by the Green Building Ordinance for Residential New Construction. • All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. • The required green building point minimums in the appropriate credit categories.			
b. Compliance with Green Building Requirements During Construction The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green	During Construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	**Initial Approval**	**Monitoring/ Inspection**
Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval: i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.			
c. Compliance with Green Building Requirements After Construction Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Build It Green and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.	After Project Completion as Specified	Bureau of Planning	Bureau of Building
SCA-UTIL-5: Sanitary Sewer System. (#79) The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	Prior to Approval of Construction-Related Permit	Public Works Department, Department of Engineer-ing and Construction	N/A
SCA-UTIL-6: Storm Drain System. (#80) The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

ATTACHMENT B: PROJECT CONSISTENCY WITH COMMUNITY PLANS OR ZONING, PER CEQA GUIDELINES SECTION 15183

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

Project. The Project is located in the City of Oakland General Plan area. It would demolish the existing surface parking lot and 1-story masonry commercial building and construct a new 276-room hotel of approximately 159,041 FAR square feet (203,317 gross square feet including parking), with eighteen stories up to 189 feet in height. The Project would include up to 140,809 square feet of hotel guest room floor area, 36,164 square feet of parking, 1,658 square feet of ground level retail and a total of 24,637 square feet used for public circulation space (e.g., lobbies), back-of-house administrative space, building services and space used for stormwater biofiltration.

Project Consistency. The City of Oakland completed an update of the General Plan Land Use and Transportation Element (LUTE) in April 1998. The LUTE includes the City's current Land Use and Transportation Diagram as well as strategies, policies, and priorities for Oakland's development and enhancement during a two decade period. The EIR certified for the LUTE is used to simplify the task of preparing environmental documents on later projects that occur as a result of LUTE implementation. Cumulative environmental effects identified in the LUTE's EIR as (a) significant and unavoidable or b) significant but can be reduced to a less-than-significant level through mitigation, are limited to the following topics: aesthetics/winds, cultural resources, hazards/hazardous materials, land use/planning, population/housing, and public services. In accordance CEQA Guidelines 15183, the Project qualifies as a project consistent with the development density established by existing zoning,community plan, or general plan policies for which an EIR was certified, because the following findings can be made:

As demonstrated under Criterion Section 15332(a): General Plan and Zoning Consistency (above), the Project is consistent with the development density established by existing zoning and General Plan policies for the site, and there are no peculiar aspects that would increase the severity of any of the previously identified significant cumulative effects in the LUTE EIR.

The land use designation for the site is Central Business District. This classification is intended to encourage, support, and enhance the downtown area as a high-density mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The proposed hotel/mixed-use project would be consistent with this designation.

Since the Project is consistent with the development assumptions for the site as provided under the LUTE EIR, and within the overall range of development within the downtown area, the project's potential contribution to cumulatively significant effects has already been addressed in the prior EIRs. Therefore, consistent with CEQA Guidelines Section 15183, which allows for streamlined environmental review, this document needs only to consider whether there are project-specific effects peculiar to the project or its site, and relies on the streamlining provisions of CEQA Guidelines Section 15183 to not re-consider cumulative effects.

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 C: STREAMLINING FOR INFILL PROJECTS, SECTION 15183.3

Based on CEQA Guidelines Section 15183.3(d)(1), the Lead Agency must examine an eligible infill project in light of the prior EIR to determine whether the infill project will cause any effects that require additional review under CEQA. This evaluation shall:

A. Document whether the infill project satisfies the applicable performance standards in CEQA Guidelines Appendix M.

B. Explain whether the effects of the infill project were analyzed in a prior EIR

C. Explain whether the infill project will cause new specific effects (defined as "an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site").

D. Explain whether substantial new information shows that the adverse environmental effects of the infill project are more significant (defined as "substantially more severe") than described in the prior EIR.

If the infill project will cause new specific effects or more significant effects, the evaluation should indicate whether uniformly applicable development policies or standards will substantially mitigate those effects.

The following information demonstrates that the Project is eligible for permit streamlining pursuant to CEQA Guidelines Section 15183.3 as a qualified infill Project, and fulfills the review requirements of its provisions.

A. Appendix M Performance Standards

The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies. As such, this environmental review is limited to an assessment of whether the Project may cause any Project-specific significant effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects. Cumulative level effects of infill development have been addressed in other planning level decisions of the General Plan Land Use and Transportation Element (LUTE) and LUTE Environmental Impact Report (EIR) (1998), the Redevelopment

Plan Amendments EIR (2011), or by uniformly applicable development policies (SCAs) which mitigate such impacts.

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 75 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 as a surface parking lot and 1-story commercial building, 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. *Performance Standards Related to Project Design.* All projects must implement **all** of the following:	—
	Renewable Energy. *Non-Residential Projects.* 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. *Residential Projects.* Residential projects are also encouraged to include such onsite renewable power generation.	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 hotel guest rooms, the proposed project is required to include onsite renewable power generation.
	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.	Not Applicable. The project site is not located on any list compiled pursuant to Section 65962.5 of the Government Code (the "Cortese List"). See the discussion under Criterion 15300.2(e) included in the CEQA Analysis for a more detailed discussion of Cortese List status.
	Residential Units Near High-Volume Roadways and Stationary Sources. If a project includes residential units located within 500 feet, or other distance	Not applicable. This is not a residential project.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Proposed Project**
	determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution. 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.	
	2b. *Additional Performance Standards by Project Type.* In addition to implementing all the features described in criterion 2a above, the project must meet eligibility requirements provided below by project type.[a]	—

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Proposed Project**
	Residential. A residential project must meet **<u>one</u>** of the following: A. *Projects achieving below average regional per capita vehicle miles traveled.* A residential project is eligible if it is located in a "low vehicle travel area" within the region; B. *Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.* 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; **<u>or</u>** C. *Low – Income Housing.* 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.	Not applicable.
	Commercial/Retail. A commercial/retail project must meet **<u>one</u>** of the following: A. *Regional Location.* 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"; **<u>or</u>** B. *Proximity to Households.* A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.	Yes. The hotel project would have floor sizes below 50,000 square feet **and** is located within ½ mile of 1,800 households.
	Office Building. An office building project must meeting **<u>one</u>** of the following: A. *Regional Location.* Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; **<u>or</u>** B. *Proximity to a Major Transit Stop.* 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.	Not Applicable.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Proposed Project**
	Schools. 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. 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.	Not Applicable.
	Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.	Not Applicable.

PROJECT INFILL ELIGIBILITY		
CEQA Eligibility Criteria		**Eligible?/Notes for Proposed Project**
	Small Walkable Community Projects. Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.	Not Applicable.
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: (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** (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 Section 15183.3(f)(5). (CEQA Guidelines Section 15183.3[b][3])	Yes. The adopted Plan Bay Area (2013)[1] 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. The proposed Project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the General Plan as described in further detail the CEQA Analysis under Criterion 15332(a) and summarized below. The General Plan land use designation for the site is Central Business District; this classification is intended to encourage, support, and enhance the downtown area as a high-density mixed-use urban center of regional importance, and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation. The proposed mixed-use project would be consistent with this designation.

B. Effects Analyzed in Prior EIR

As discussed in Section III above, the 1998 LUTE EIR (including its Initial Study Checklist) determined that development consistent with the LUTE would result in impacts that would be reduced to a less-than-significant level with the implementation of mitigation measures and/or SCAs: aesthetics (views, architectural compatibility and shadow only); air quality (construction dust [including PM_{10}] and emissions, odors); cultural resources (except as noted below as less than significant); hazards and hazardous materials; land use (use and density incompatibilities); water quality; noise (use and density incompatibilities, including from transit/transportation improvements); population and housing

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

(induced growth, policy consistency/clean air plan); public services; and transportation/circulation (intersection operations).

Less-than-significant impacts were identified for the following resources in the 1998 LUTE EIR and Initial Study: aesthetics (scenic resources, light and glare); air quality (clean air plan consistency, roadway emissions, energy use emissions, local/regional climate change); biological resources; cultural resources (historic context/settings, architectural compatibility); energy; geology and seismicity; hydrology and water quality; land use (conflicts in mixed use Projects and near transit); noise (roadway noise citywide, multifamily near transportation/transit improvements); population and housing (exceeding household Projections, housing displacement from industrial encroachment); public services (water demand, wastewater flows, stormwater quality, parks services); and transportation/circulation (transit demand). No impacts were identified for agricultural or forestry resources and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: air quality (regional emissions); public services (fire safety); transportation/circulation (roadway segment operations: Grand Avenue between Harrison St. and I-580); and policy consistency (Clean Air Plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Environmental Effects Summary – 2011 Redevelopment Plan Amendments EIR

The 2011 Redevelopment Plan Amendments EIR determined that development facilitated by the Proposed Amendments would result in impacts to the following resources that would be reduced to a less-than-significant level with the implementation of identified mitigation measures and/or SCAs (described in Section IV): aesthetics (light/glare only); air quality (except as noted below as less than significant and significant); biological resources (except no impacts regarding wetlands or conservation plans); cultural resources (except as noted below as significant); geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality (stormwater and 100-year flooding only); noise (exceeding standards – construction and operations only); traffic/circulation (safety and transit only); and utilities and service systems (stormwater and solid waste only).

Less-than-significant impacts were identified for the following resources in the 2011 Redevelopment Plan EIR: aesthetics (except as noted above as less than significant with SCAs); air quality (clean air plan consistency); hydrology and water quality (except as noted above as less than significant with SCAs); land use and

planning; population and housing; noise (roadway noise only); public services and recreation; traffic/circulation (air traffic and emergency access); and utilities and service systems (except as noted above as less than significant with SCAs). No impacts were identified for agricultural or forestry resources, and mineral resources.

The 2011 Redevelopment Plan EIR determined that the Proposed Amendments combined with cumulative development would have significant unavoidable impacts on the following environmental resources: air quality (toxic air contaminant exposure and odors); cultural resources (historic); and traffic/circulation (roadway segment operations).[2] Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

Thus, the effects of the infill project were discussed in the prior EIRs.

C. New Specific Effects

As demonstrated in Section VII, the Project would not cause new specific effects that were not addressed in the LUTE EIR or the Redevelopment Plan Amendments EIR. The exemption analysis of the 1431 Jefferson St. Project in Sections VII through IX concludes that there would be no significant impacts that were not analyzed in prior EIRs.

Specifically, the analysis evaluated resource topics that the Redevelopment Plan Amendments EIR determined could have significant impacts:

- Cultural Resources
- Air Quality
- Noise
- Transportation/Traffic

As the analysis demonstrates, the Project would not substantially increase the severity of the significant impacts identified in the Redevelopment Plan Amendments EIR, nor would it result in new significant impacts related to population and housing that were not identified in that EIR. Further, there have been no substantial changes in circumstances following certification of the

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

Redevelopment Plan Amendments EIR that would result in any new specific effects.

D. Substantial New Information

There is no new information that was not known at the time the Redevelopment EIR was certified in 2011 that would cause more severe adverse impacts than discussed in the prior EIR. There have been no significant changes in the underlying development assumptions, nor in the applicability or feasibility of mitigation measures or SCAs included in the prior EIRs.

E. Standard Conditions of Approval

SCAs incorporate policies and standards from various adopted plans, policies, and ordinances, which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual Project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. SCAs that apply to 1431 Jefferson St. Project are included above in Attachment A.

Consistent with CEQA Guidelines Section 15183.3(a), which allows streamlining for qualified infill Projects, this environmental document is limited to topics applicable to Project-level review where the effects of infill development have been addressed in other planning level decisions of the General Plan Land Use and Transportation Element (LUTE) and LUTE Environmental Impact Report (EIR) (1998), the Redevelopment Plan EIR (2011), or by uniformly applicable development policies (Standard Conditions of Approval) which mitigate such impacts.