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2500 WEBSTER STREET PROJECT

CEQA Analysis

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

Date: May 15, 2017

Project Address: 2500 Webster Street

Case Number: PLN16-304

Zoning: D-BV-1 Broadway Valdez District Retail Priority Sites Commercial Zone

General Plan: Central Business District (CBD), Broadway Valdez District Specific Plan (BVDSP)

APN: 008-0672-021-00

Lot Size: 0.14 acres

Applicant: Signature Development Group
Attn: Jamie Choy, Senior Planner
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Oakland, CA 94612

Staff Contact: Maurice Brenyah-Addow, Planner III
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(510) 238-6342

I. Executive Summary

The project applicant, Signature Development Group, is proposing to redevelop one parcel in the Broadway Valdez District Specific Plan (BVDSP, or Plan) area into a mixed-use development. The project site is a single-story commercial building currently occupied by the Oakland Mitsubishi automobile dealership. The 2500 Webster Street project (proposed project) would include the construction of a six-story mixed-use residential and commercial building with an area of approximately 35,585 gross square feet. The proposed building would have a maximum height of up to 85 feet (including roof parapet), which exceeds the 45-foot height limit for D-BV-1 (Retail Priority Sites Commercial Zone 1); however, the proposed project's ground-floor retail square footage would qualify it for a height of up to 85 feet with a Conditional Use Permit (CUP).

The proposed project would include approximately 6,425 square feet of commercial space on Webster Street and approximately 19,695 square feet of residential uses with 30 residential units. The proposed project would not provide any vehicle parking spaces, but would provide 30 secure bicycle parking spaces located in the mezzanine level above the garage, and a bicycle rack along the Webster Street frontage to accommodate short-term visitors.

The BVDSP Environmental Impact Report (BVDSP EIR) analyzed environmental impacts associated with adoption and implementation of the BVDSP and, where the level of detail available was adequate for analyzing potential environmental effects, provided a project-level California Environmental Quality Act (CEQA) review of reasonably foreseeable development.¹ Project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects that are developed under the BVDSP.

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

1. **Community Plan Exemption.** Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact."
2. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area and on a

¹ City of Oakland. 2013. *Broadway Valdez District Specific Plan, Draft Environmental Impact Report*. SCH No. 2012052008. September. City of Oakland. 2014. *Broadway Valdez District Specific Plan, Responses to Comments and Final*. May. (These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza, #3115, or online at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/OWD008194>.)

site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter, able to satisfy the performance standards provided in State CEQA Guidelines Appendix M, and consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies or standards would substantially mitigate such effects.

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

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

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

- **Community Plan Exemption.** As stated in Section 1.2.2 of the BVDSP, when development proposals in the BVDSP area are brought before the City, the staff and decision-makers use the BVDSP as a guide for project review. Projects are evaluated for consistency with the intent of BVDSP policies and conformance with development regulations. The environmental review of the BVDSP was intended to expedite the processing of future projects that are consistent with the BVDSP. Therefore, consistent with Section 1.2.3 of the BVDSP and State CEQA Guidelines Section 15183, this CEQA analysis satisfies, based on the analysis conducted in this document, the requirements for a community plan exemption. The proposed project is permitted in the zoning district where the project site is located and consistent with the bulk, density, and land use standards envisioned in the BVDSP. The CEQA Checklist below concludes 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 BVDSP EIR; or (3) were previously identified as significant but later found to have a more severe adverse impact than that discussed in the BVDSP EIR. Findings regarding the proposed project's consistency with the BVDSP are included as Attachment B to this document.
- **Qualified Infill Exemption.** The analysis conducted indicates that the proposed project is eligible for a qualified infill exemption, pursuant to State CEQA Guidelines Section 15183.3. The infill eligibility criteria are evaluated in Attachment C and supported by the CEQA Checklist included below.

- **Addendum.** The analysis conducted, as described in this document, demonstrates that preparation of an addendum to the BVDSP EIR is allowed for the proposed project. Therefore, this CEQA analysis is considered to be the addendum. The BVDSP EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum level of feasible development that can reasonably be expected to occur in the Plan Area over a 25-year planning period, according to City of Oakland projections. In total, the Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180-room hotel, 6,500 parking spaces, and 4,500 new jobs. The BVDSP allows for flexibility with respect to the quantity and profile of future development within each subarea, and between subareas, as long as such development conforms to the general traffic generation parameters established by the Plan. The Development Program is not intended to be a cap that would restrict development.

As shown in **Table 1**, the proposed project would provide fewer dwelling units than contemplated for Valdez Triangle Subdistrict 3, as indicated in Table 4.13-7 of the BVDSP EIR (30 residential units instead of 40 residential units).² The proposed project's 6,425 square feet of commercial use would be well below the 251,398 square feet identified in the Development Program. The Development Program is conceptual only and illustrates one of many possible development scenarios under the BVDSP; a plan that specifically did not prescribe or assume exact land uses on a site-by-site basis.

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

Development Characteristics	Total BVDSP Development Program ^a	Development Program for Subdistrict 3	Proposed Project
Residential Units	1,800	40	30
Commercial Square Footage (net)	695,000 square feet of office space 1,114,000 square feet of restaurant/retail space 180 hotel rooms	251,398 square feet	6,425 square feet

NOTE:

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

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

The proposed project is in Subdistrict 3 of the Valdez Triangle subarea of the Plan. The proposed project would generate 5 AM and 15 PM net new peak-hour vehicle trips. Together with trips generated by other projects that are currently under construction, approved, or proposed for development in the Plan Area, this would represent approximately 50 percent of the AM and 48 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Plan Area, 85 percent of the AM and 68 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle subarea, and 91 percent of the AM and 61 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3. While the total number of proposed project residential units

² Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

combined with units proposed for projects under construction, approved, and proposed in the Plan Area would exceed the Development Program Buildout assumptions in the BVDSP EIR, their combined trip generation would be within the scope of the program analyzed under the BVDSP EIR for the Plan Area and the proposed project would be consistent with the assumptions in the BVDSP EIR. In addition, the BVDSP EIR traffic impact analysis, which the BVDSP EIR determined was the key environmental factor constraining development, remains valid for the proposed project.³ Therefore, the proposed project meets the requirements for preparation of an addendum, as evidenced in **Attachment D** to this document.

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

³ As shown in Table TRA-4 in Section 13, *Transportation and Circulation*, 2,805 net new residential units have been proposed or approved in the Plan Area compared to 1,800 residential units described in the BVDSP EIR.

II. Project Description

Project Location

The project site is comprised of 0.14 acres at 2500 Webster Street. The site consists of one parcel with the following Assessor's Parcel Number: 008-0672-021-00.

Immediately north, northeast, and east of the project site are the Audi of Oakland dealership and service center buildings. To the south is Mua Oakland Bar and Restaurant. To the west is an auto plaza, a wide sidewalk and outdoor car display area, between the project site and Webster Street/Broadway. The project's location with respect to adjacent properties is shown in **Figure 1** and **Figure 2**. The project site is located in Subdistrict 3 of the Valdez Triangle Subarea of the BVDSP Plan Area, Retail Priority Site 3C, and is northeast of Uptown Oakland and northwest of Lake Merritt.

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

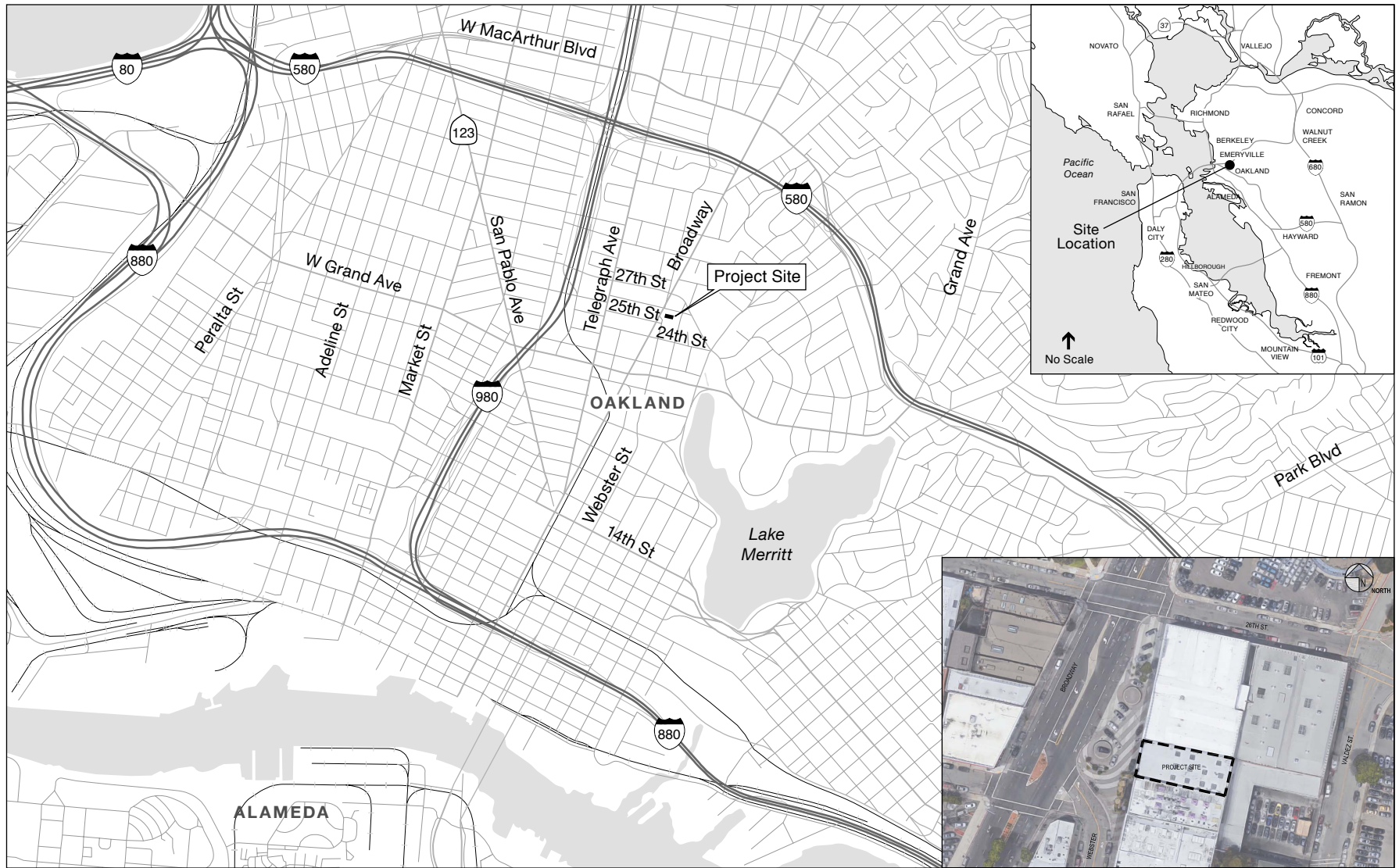
Existing Conditions

The 0.14-acre site is predominantly flat and is occupied by an approximately 6,250-square-foot single-story building occupied by the Oakland Mitsubishi automobile dealership. The project site is not located within an identified historic district nor does it contain an identified historic resource. Nearby local historic resources include the Pacific Kissel Kar Salesroom and Garage (one block south); the Packard Lofts and the Newsome Apartments (two blocks south); the First Presbyterian Church (one block north); and the Pacific Nash Co. Auto Sales and Garage and the Howard Automobile-Dahl Chevrolet Showroom (two blocks north).

Due to the extended sidewalk and landscaped area to the west of the project site, the project site is not served independently by any existing curb cuts; however, a wide curb cut located approximately 25 feet southwest of the project site serves all businesses north of 25th Street and on the east side of Broadway, including the project site. There are no existing street trees or landscaping in front of the project site.

An approximately 100-foot-wide sidewalk/paved auto mall separates the project site from its only street frontage, Broadway, as shown in Figure 1 and Figure 2.⁴ Existing uses in the project vicinity are primarily commercial (including auto dealerships/service centers, retail, restaurants, and

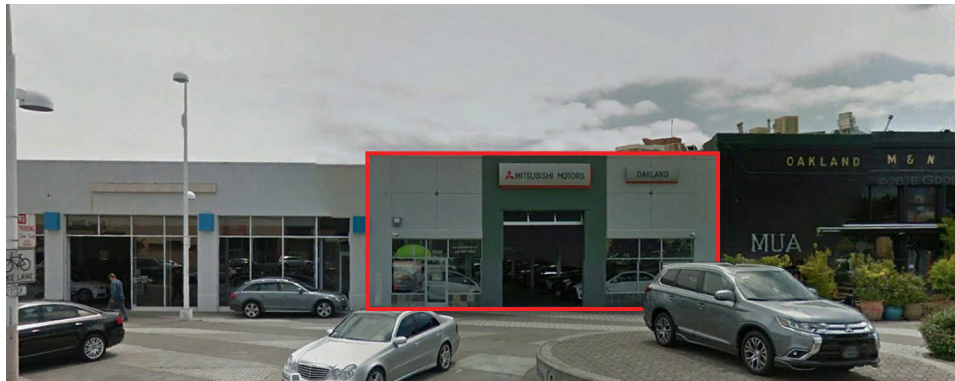
⁴ Prior to the Broadway Auto Row improvements (e.g., widened sidewalk, outdoor car display area), the project site fronted Webster Street, which is the reason for its Webster Street address.



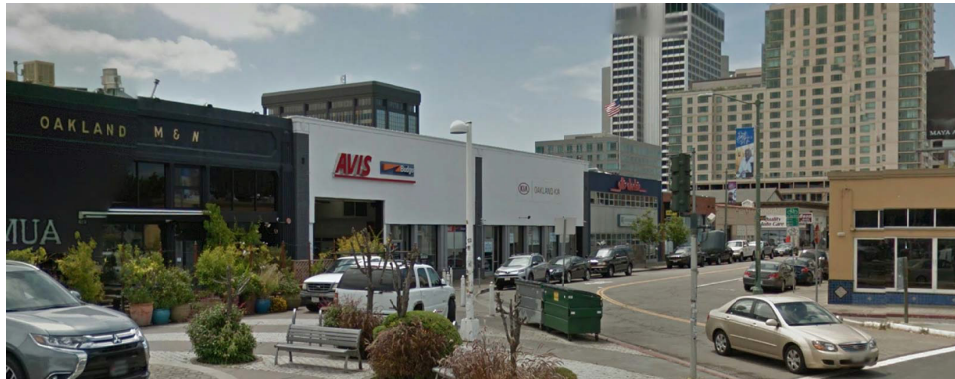
SOURCE: ESA

2500 Webster Street Project . 160914

Figure 1
Project Location



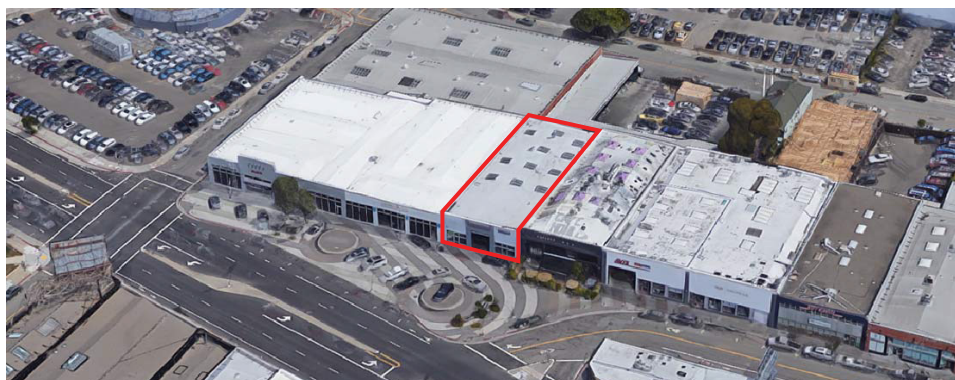
Project Site



South of Project Site



North of Project Site



Aerial View of Project Site

entertainment) and multi-family residential. Existing uses to the north include additional auto dealerships and outdoor auto sales lots. Existing uses to the west include a nightclub (Au) at the intersection of Webster, Broadway and 25th Streets. Across Broadway is an auto dealership and outdoor sales lot (Kia), which is currently proposed for redevelopment as a three- to six-story multifamily residential building with ground floor commercial/retail uses. Along Broadway near the project sites and along 25th Street to the west is a mix of small businesses that include God's Gym, bicycle shops, and a pet hotel. Existing uses south along Webster Street include auto repair and other small commercial businesses, including an electrical business, print shop and auto rental business, with the rear of the Downtown Oakland YMCA (which fronts Broadway) one block south at 24th Street. To the east is a mix of residences, auto repair businesses and outdoor auto storage lots. As evidenced by the surrounding land uses, the area is transitioning from its auto-oriented service centers to a vibrant mixed-use community consisting of residential, office, and commercial uses.

The General Plan land use designation for the project site is Central Business District (CBD), within the BVDSP. The CBD 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 project site is located within the boundaries of the Plan Area, D-BV-1 (Retail Priority Sites Commercial Zone 1). The intent of the D-BV-1 zone is to ensure that larger sites and opportunity areas are reserved primarily for new, larger retail development to accommodate consumer goods retail, at least on the ground floor. Residential uses are conditionally permitted if retail is proposed. Retail Priority Sites are also well served by transit, have excellent vehicular access, and are in areas of good visibility.

Project Characteristics

The proposed project would demolish the existing building on the project site and would construct a six-story mixed-use residential and commercial building with an area of approximately 35,585 gross square feet. The proposed building would have a maximum height of up to 85 feet (including roof parapet), with the stair and elevator core extending an additional 12 feet.

The proposed project would include approximately 6,425 square feet of ground floor and mezzanine commercial space and approximately 19,695 square feet of residential uses with 30 residential units. The proposed project would not provide any automobile parking spaces, but would provide 30 secure bicycle parking spaces located in the mezzanine level above the ground floor, and a bicycle rack along the Webster Street frontage to accommodate short-term visitors. The project characteristics are shown below in **Table 2**. The project site plan, typical floor plans, typical building section, and building renderings are shown in **Figures 3 through 9**.

**TABLE 2
PROJECT CHARACTERISTICS**

Lot	Dimensions
Size	6,253 square feet (0.14 acres)
Proposed Uses	Area (gsf)
Residential	19,695
Commercial (Retail)	6,425
Other (Amenities, Support, Circulation)	9,465
Total Uses	35,585
Proposed Residential Units	Amount (Percent)
Studio	15 (50%)
1-bedroom	15 (50%)
Total Units	30 (100%)
Proposed Parking	Number of Spaces
Vehicle Parking Spaces	0
Bicycle Parking Spaces	30
Open Space	Area (sf)
Second Floor Patio	312
Private Balconies	360
Roof Deck	2,355
Total Open Space	3,027
SOURCE: YHLA Architects, 2016.	

Residential Uses

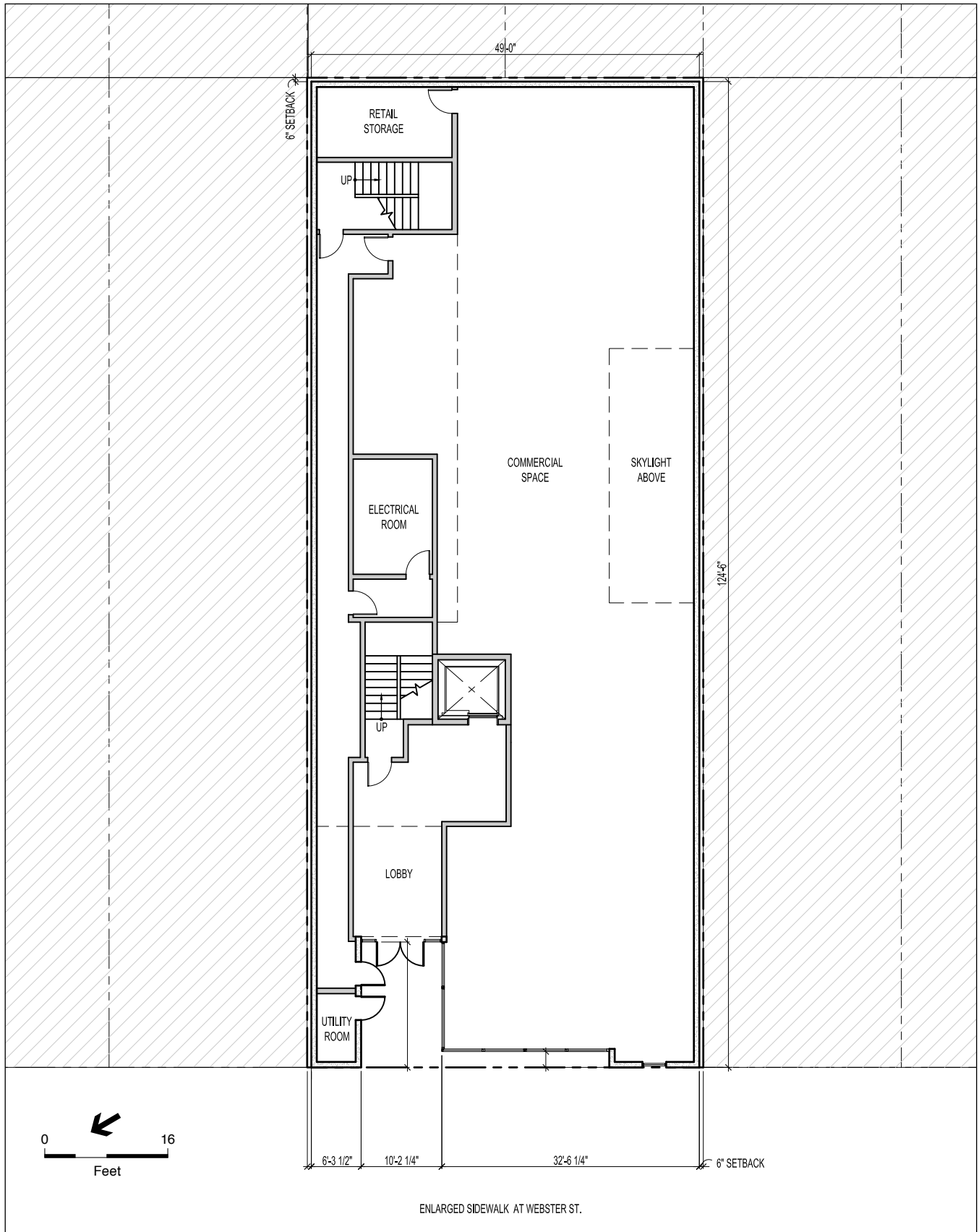
Approximately 19,695 square feet of residential uses would be constructed on levels two through six, above the commercial space. Up to 30 residential units would be constructed, composed of approximately 15 studio units and 15 one-bedroom units.

Commercial Uses

The proposed project would include one approximately 6,425-square-foot commercial space on the ground and mezzanine levels. The commercial use would be accessed at ground-level on Webster Street.

Access, Circulation, and Parking

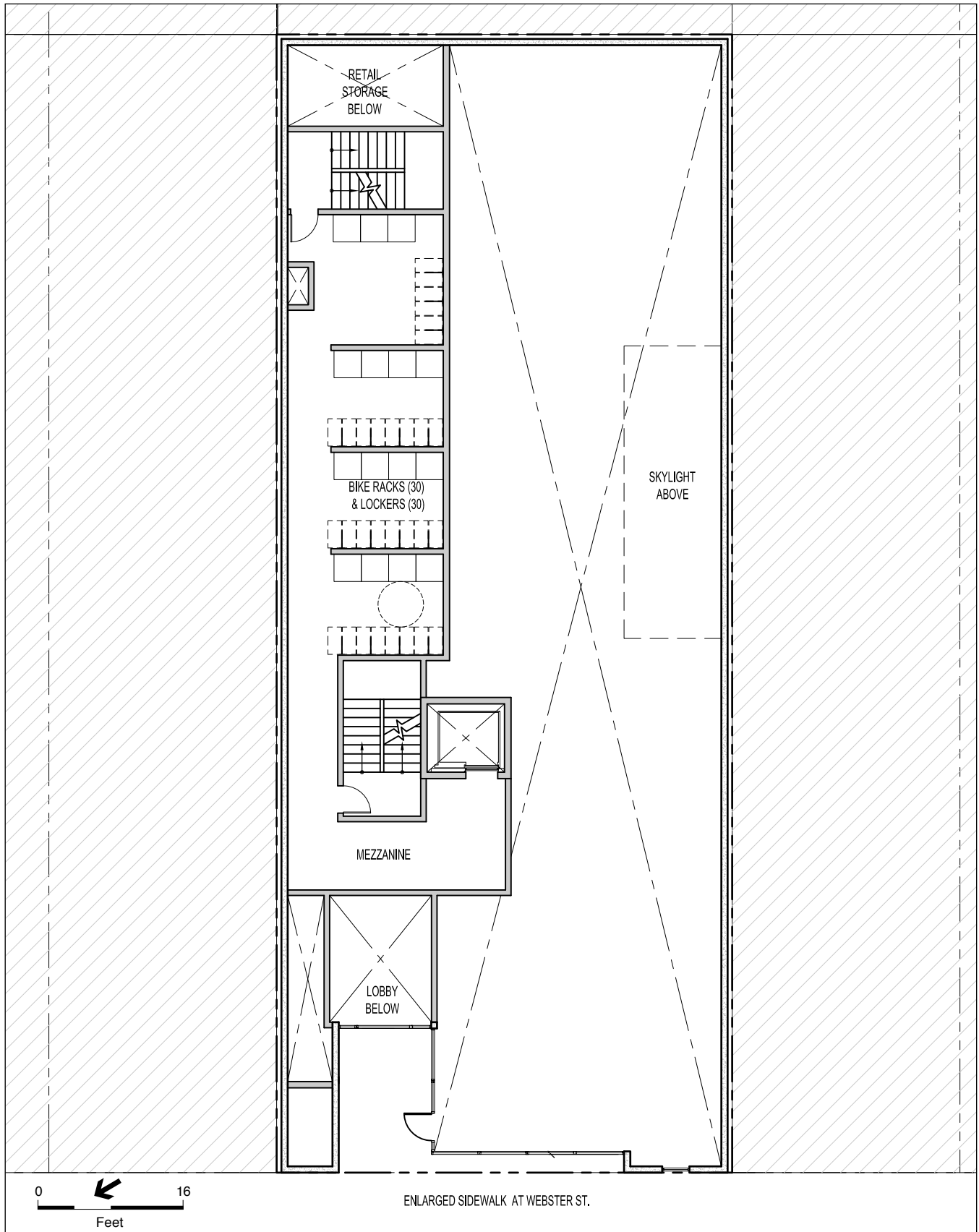
The residential building lobby would be located on the Webster Street frontage, set back from the property line by approximately 15 feet. Separate access to the commercial space would be through glass doors on the Webster Street frontage.



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

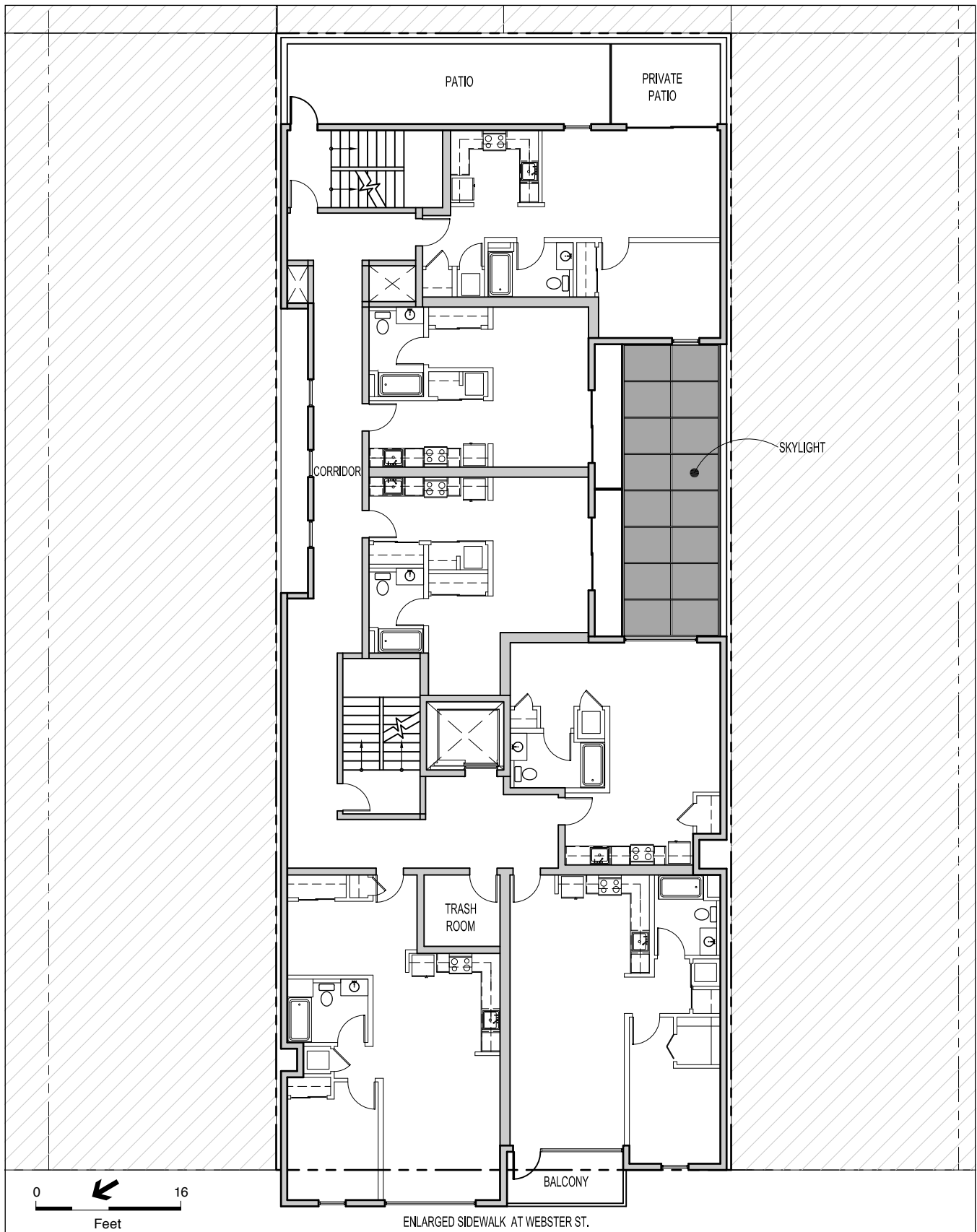
Figure 3
Site Plan and Ground Floor



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

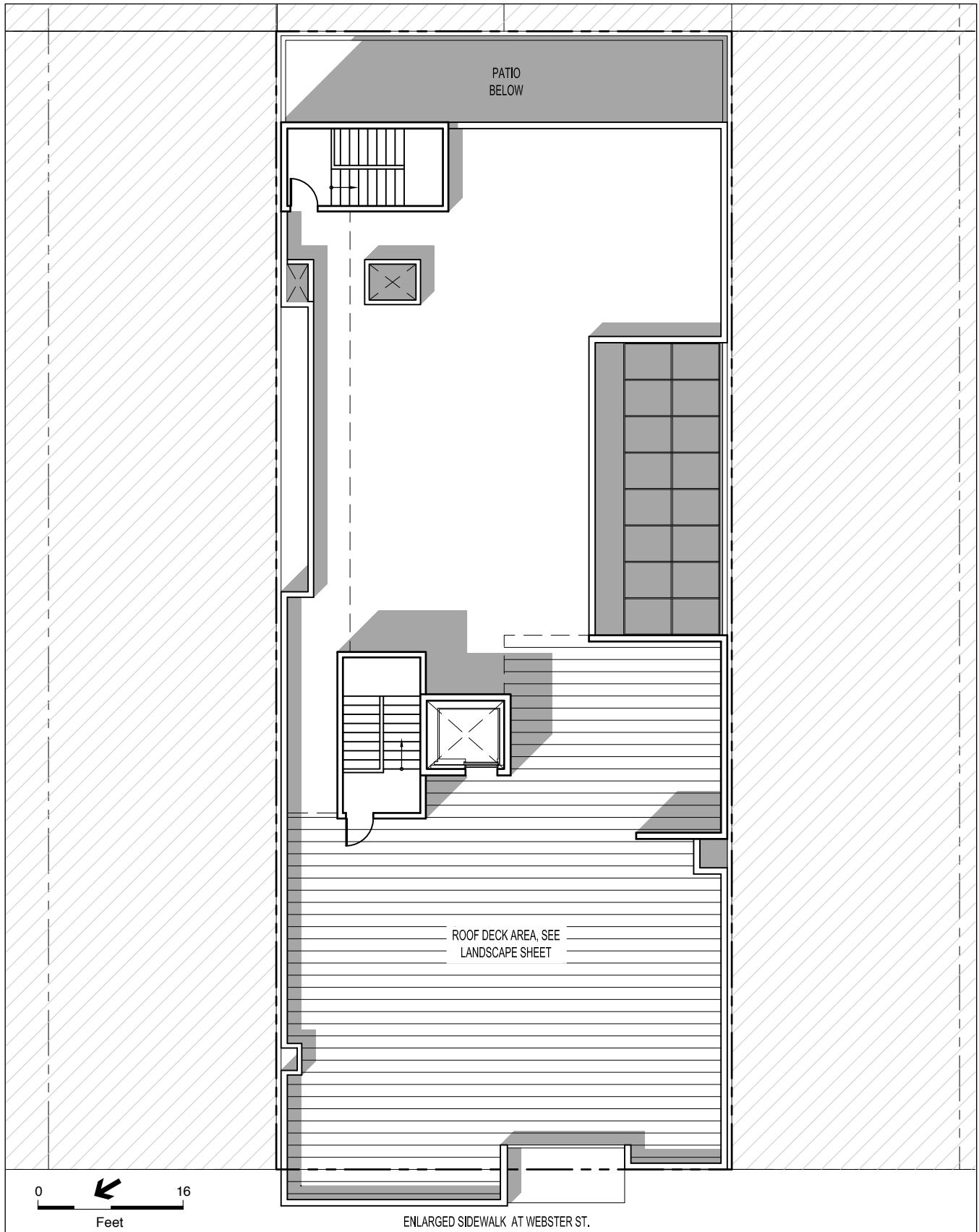
Figure 4
Mezzanine Floor



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

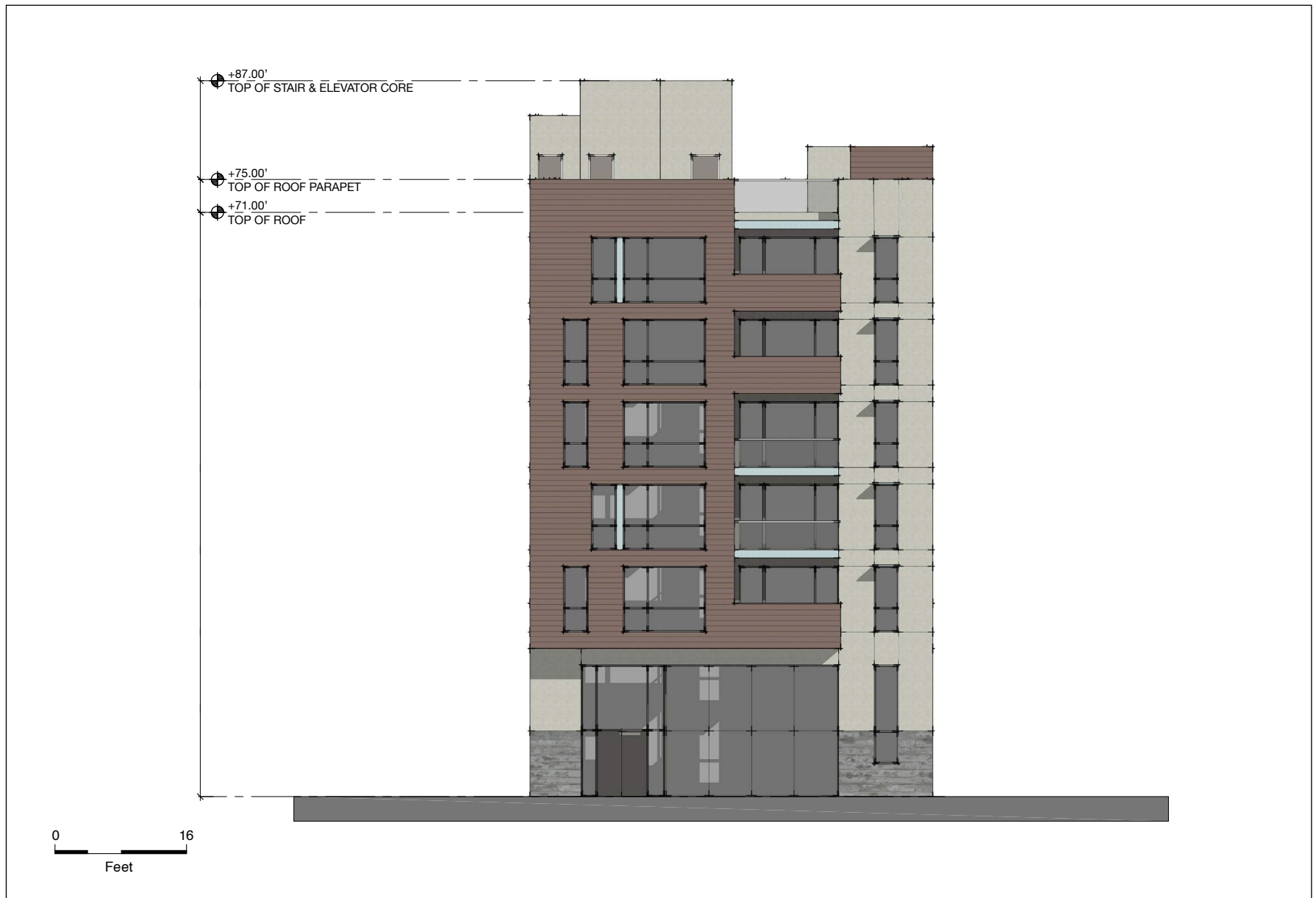
Figure 5
Typical Floor Plan, Floors 2 through 7



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

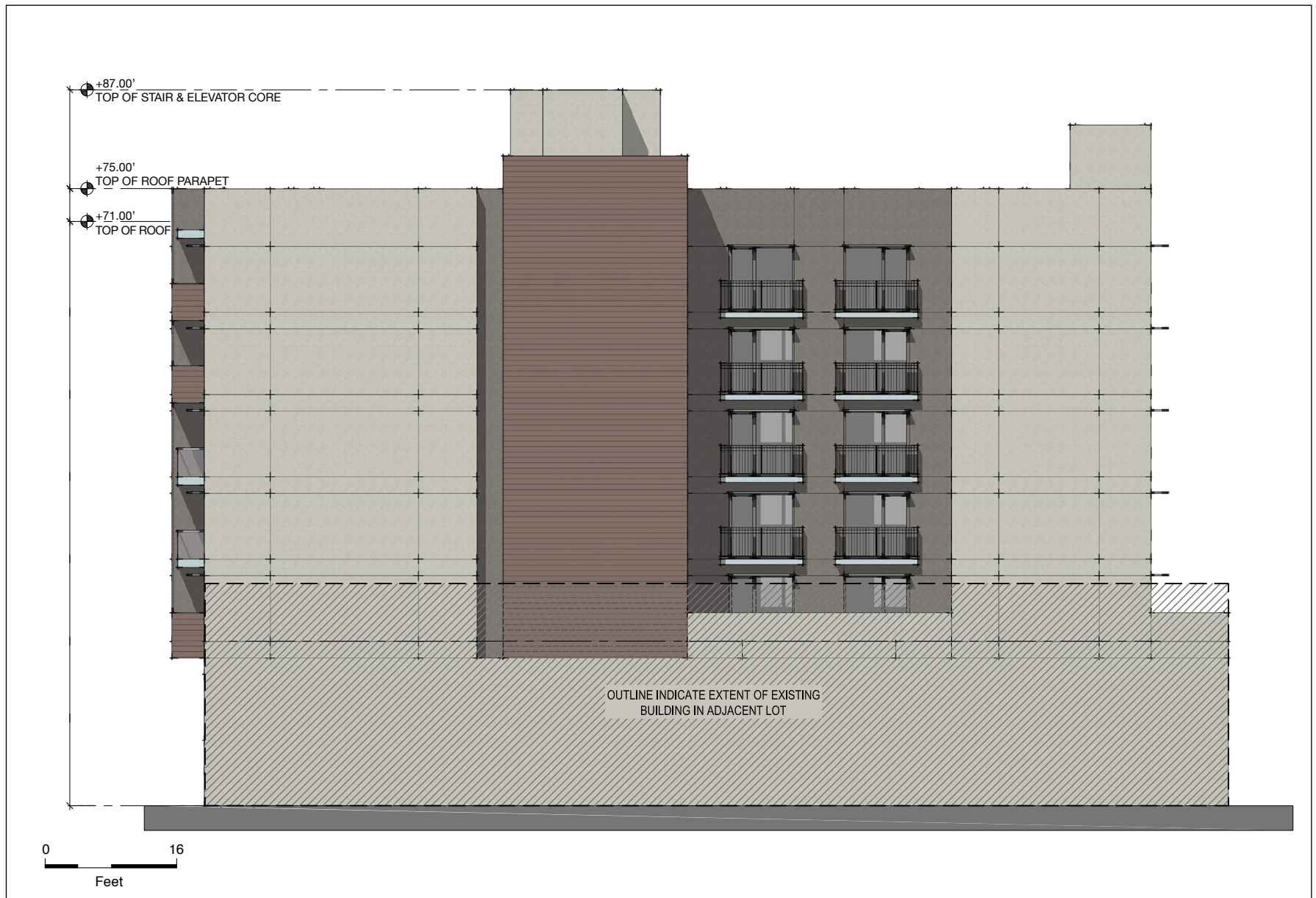
Figure 6
Roof Plan



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

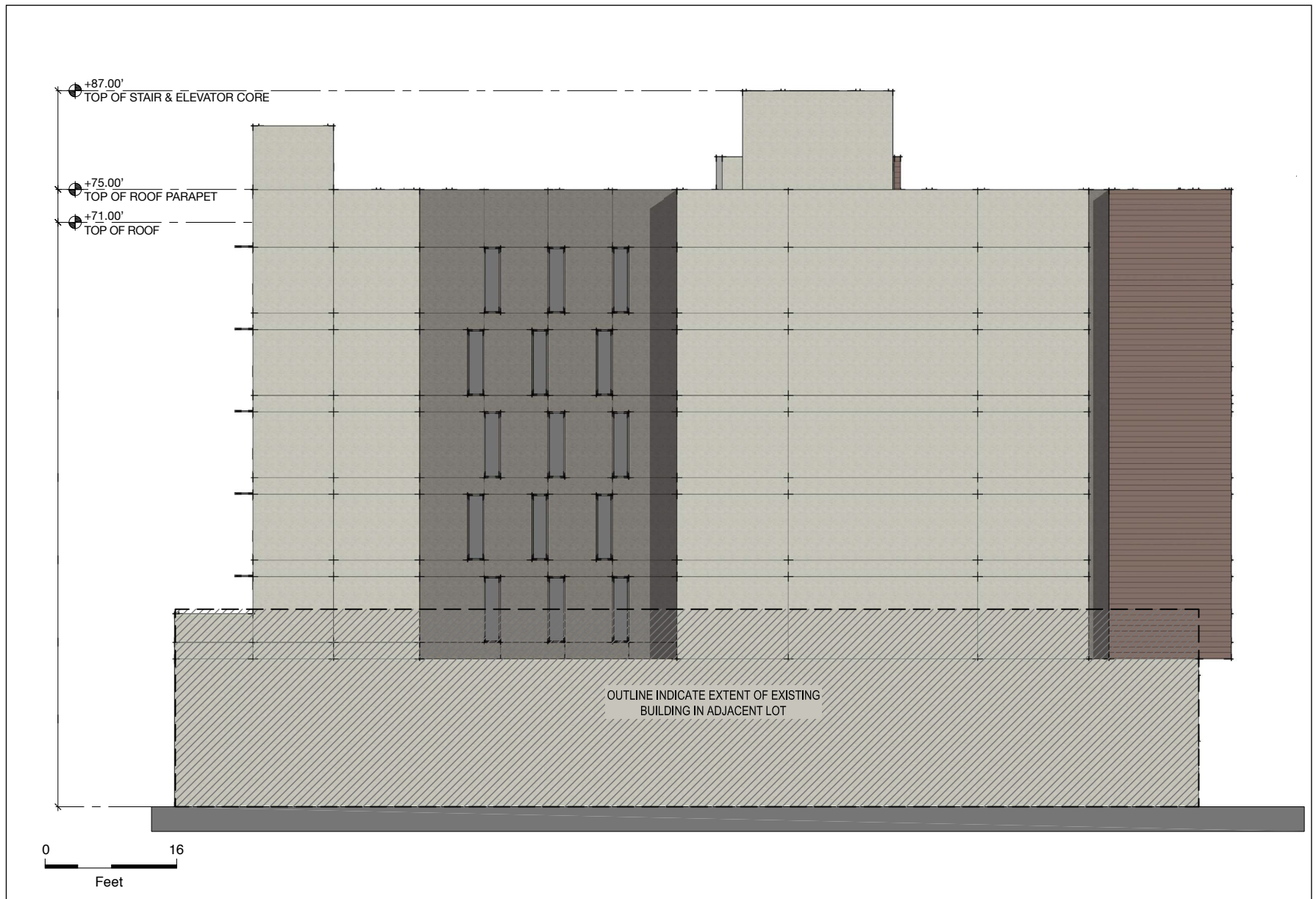
Figure 7
Elevation Looking East From Webster



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

Figure 8
Elevation Looking North



SOURCE: YHLA Architects

2500 Webster Street Project . 160914

Figure 9
Elevation Looking South

The proposed project would not provide any vehicle parking spaces and would not be required to per Section 17.116.110 of the Oakland Planning Code.⁵ The proposed project would provide 30 secure bicycle parking spaces located in the mezzanine level, and a bicycle rack along the Webster Street frontage to accommodate short-term visitors. Access to the bicycle storage room on the mezzanine level would be via the stairwell or elevator in the residential lobby, or via a secondary stairwell located at the back of the proposed building.

No off-street loading spaces would be provided on-site nor would any be required per Sections 17.116.120 and 17.116.140 of the Oakland Planning Code.⁶

Open Space

The proposed project would provide approximately 2,667 square feet of common open space on the second floor and the roof; amenities would include a paved patio and a paved roof deck with planters, furniture, and a fire pit. An additional 360 square feet of private open space would be provided in the form of private balconies serving some of the residential units.

Streetscape Improvements

Because the proposed building fronts along the expanded sidewalk along Webster Street and is immediately adjacent to the auto plaza (a wide sidewalk and outdoor car display area), streetscape improvements are not proposed at this time. Bicycle parking for five bicycles will be provided in bicycle racks located in the public right-of-way along the Webster Street frontage to accommodate short-term visitors.⁷

Building Design

The proposed building would be rectangular in shape and would consist of six equal-sized floors. The ground level building entry and commercial storefront would be glass, porcelain tile and metal. The exterior of the residential floors above would be a mix of painted fiber cement panels and painted cement plaster finish. Balconies would have tempered glass guards and aluminum bases. The commercial component of the building would extend up to approximately 20 feet above grade, and the five residential levels would extend up to a maximum height of 85 feet, which is permitted in the D-BV-1 zoning district with a CUP; the stair and elevator core would extend an additional 12 feet, which is less than the 18 feet from top of parapet permitted).

⁵ Narrow Lots. Lots with a mean width of fifty (50) feet or less and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.

⁶ No spaces required for residential uses less than 50,000 sq ft or for commercial uses less than 10,000 sq ft.

⁷ City of Oakland Municipal Code Sections 17.117.090 and 17.117.110 for D-BV zone require one short-term bicycle parking space per 15 dwelling units and one short-term bicycle parking space per 2,000 or 3,000 square feet for commercial uses.

Activity/Employment

The proposed project would include a mix of residential and retail uses. Based on the generation rate established for the BVDSP area of 1.87 persons per residential unit, the proposed project could generate approximately 56 new residents. In addition, the 6,425 square feet of commercial use could generate up to 13 jobs.⁸

Project Construction

Construction activities would consist of demolition of the existing building, excavation and shoring, foundation and below-grade construction, and construction of the building and finishing interiors. Project construction is expected to occur over approximately 24 months, with construction scheduled to commence in early 2018, and be completed by early 2020.

The proposed project would excavate approximately three feet below grade for grading activities, resulting in the removal of approximately 452 cubic yards of soil.⁹ The soil would be off-hauled from the site and no soils are anticipated to be imported to the site. Groundwater in the vicinity of the project site has been encountered at between 10 to 14 feet below ground surface (bgs) flowing to the east.¹⁰ Grading activities are anticipated to potentially reach a maximum depth of 13 to 15 feet; therefore, dewatering during construction may be required. The proposed project anticipates foundations being a reinforced concrete mat slab approximately 24 inches deep.

Project Approvals

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

Actions by the City of Oakland

- Bureau of Planning —Regular Design Review, CEQA determination, Conditional Use Permit (CUP) for residential development and height increase on a Retail Priority Site, and Vesting Tentative Parcel Map for condominium purposes.
- Building Department—demolition permit, grading permit, on- and off-site work permits (e.g., public right-of-way improvements, and tie backs) as well as encroachment permits.
- Building Services Division – Approval of Post-Construction Stormwater Control Plan demonstrating compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP).

⁸ Using a standard generation rate of 500 square feet per employee.

⁹ Although the City does not require a grading permit for projects that remove less than 500 cubic yards of soil, the project applicant has agreed to apply for a grading permit.

¹⁰ EKI, Inc., 2016. *Phase I Environmental Site Assessment, 2500 Webster Street, Oakland, California*, December 22.

Actions by Other Agencies

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

III. BVDSP and EIR

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

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

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

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

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

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

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

IV. Summary of Findings

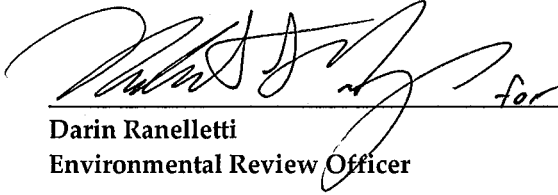
An evaluation of the proposed project is provided in the CEQA Checklist below. This evaluation concludes that the proposed project qualifies as an addendum to the BVDSP EIR and is therefore exempt from additional environmental review. The BVDSP EIR allows for the distribution of density and development types between categories and sub-areas, and accounted for the construction and operational impacts from the development proposed within the Plan Area. Any potential environmental impacts associated with the project's development were adequately analyzed and covered by the analysis in the BVDSP EIR. The proposed project would be required to comply with the applicable mitigation measures identified in the BVDSP EIR, as well as any applicable City of Oakland SCAs (see Attachment A, at the end of the CEQA Checklist). With implementation of the applicable mitigation measures and SCAs, the proposed project would not result in a substantial increase in the severity of significant impacts that were previously identified in the BVDSP EIR or any new significant impacts that were not previously identified in the BVDSP EIR.

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

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

required beyond this addendum, in accordance with Public Resources Code Section 21166 and State CEQA Guidelines Section 15164.

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



for
Darin Ranelletti
Environmental Review Officer

May 15, 2017
Date

V. CEQA Checklist

Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the BVDSP, as evaluated in the BVDSP EIR. Potential environmental impacts of development under the BVDSP were analyzed and covered by the BVDSP EIR, and the EIR identified mitigation measures and Standard Conditions of Approval (SCAs) to address these potential environmental impacts.¹¹

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

This CEQA Checklist provides a determination of whether the proposed project would result in:

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

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

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

¹¹ These are Development Standards that are incorporated into projects as SCAs, regardless of a project's environmental determination, pursuant, in part, to CEQA Guidelines Section 15183. 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, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the SCAs are applied, based on the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCA applies to each project.

The proposed project is required to comply with applicable mitigation measures identified in the BVDSP EIR, and with City of Oakland SCAs. The project applicant has agreed to incorporate and/or implement the required mitigation measures and SCAs as part of the proposed project. This CEQA Checklist includes references to the applicable mitigation measures and SCAs.

A list of the mitigation measures and SCAs is included in Attachment A, and is incorporated by reference into the CEQA Checklist analysis. If the CEQA Checklist (including Attachment A) inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected. If the language describing a mitigation measure or SCA included in the CEQA Checklist (including Attachment A) is inaccurately transcribed, the language of the mitigation measure as set forth in the BVDSP EIR or City of Oakland SCAs shall control.

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

Attachments and Appendices

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

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

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

- A. Health Risk Assessment; and
- B. Air Quality and Greenhouse Gas Emissions Detail.

1. Aesthetics, Shadow, and Wind

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

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

The BVDSP EIR determined that potential impacts to scenic vistas and resources, visual character, and lighting and glare from development under the BVDSP would be less than significant with implementation of SCAs, and that no mitigation measures were necessary. The Physical Height Model analyzed in the BVDSP EIR represents the conceptual massing for projects to be developed

under the BVDSP, and served as the basis for massing, view corridor, shadow, and wind analysis performed in the BVDSP EIR.¹² The BVDSP EIR found that new structures would partially obstruct views of the sky, but that such changes would not represent a substantial adverse effect on views, because no views considered scenic or unique (as defined by CEQA) and no visual access to protected scenic resources (as defined by the General Plan) would be obstructed. Changes anticipated under the BVDSP would generally create a more pedestrian-oriented aesthetic in the Plan Area, and the Design Guidelines would ensure that development under the BVDSP would be compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas. Development in the Plan Area will be required to comply with SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans.

Shadow (Criteria 1b through 1d)

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

Wind (Criterion 1e)

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

¹² The Broadway Valdez Development Program represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years, and is therefore the level of development envisioned by the Specific Plan and analyzed in the BVDSP EIR. The Broadway Valdez Development Program, together with the Specific Plan height limits, maximum base heights, and step-back requirements inform the Physical Height Model, which provides the basis for analysis in the BVDSP EIR.

implementation of Mitigation Measure AES-6, the BVDSP EIR conservatively determined that cumulative impacts may remain significant and unavoidable for some projects.

Project Analysis and Conclusion

Scenic Vistas, Scenic Resources, and Visual Character

Consistent with the findings of the BVDSP EIR, the proposed project's potential impacts to scenic vistas, scenic resources, visual character, and light and glare would be less than significant with implementation of the SCAs, as the proposed project is consistent with the BVDSP EIR.

Pursuant to the Design Guidelines, development within the Plan Area should contribute to the creation of a coherent, well-defined and active public realm that supports pedestrian activity and social interaction, and to the creation of a well-organized and functional private realm that supports the needs of tenant businesses. The proposed project meets this guideline by incorporating a two-foot setback for the commercial storefront and an approximately 15-foot setback for the residential building entry as part of the building design. These setback areas will be covered in concrete pavers and will front the existing Broadway Auto Plaza and will, along with the glass storefront, relate the proposed building to the Plaza, creating an enhanced public realm. The proposed project requires design review approval, pursuant to Section 17.101C.020 of the City's Planning Code. As part of the design review process, the proposed project will be reviewed by the City to ensure consistency with the applicable BVDSP Design Guidelines. The proposed project would be contemporary in design, utilizing a variety of materials, including, but not limited to aluminum sunscreens, painted fiber cement panels, porcelain tile, painted cement plaster finish, and glass windows/storefronts. The design review process will ensure the proposed project would be consistent with the BVDSP standards and guidelines related to aesthetics, compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas.

Shadow

The project site is outside of the area identified in the BVDSP EIR as having potential shading impacts on Temple Sinai and therefore, BVDSP EIR Mitigation Measure AES-4 would not apply. While the height of the proposed project (i.e., 75 feet with up to 85 feet permitted) would be above the 65-foot height analyzed in the Physical Height Model for this site, a close review of the BVDSP EIR shadow diagrams (EIR figures 4.1-5 through 4.1-16) shows the shadow modeled from the project site would not approach public open spaces, solar collectors, or historic resources. An extension of this shadow through an increase in height also would not approach public open space, solar collectors, or historic resources. Therefore, the proposed project would not result in a project-specific impact nor contribute to a potential cumulative shading impact.

Wind

The proposed project is located in the Central Business District and would be up to 75 feet in height, which is below the 100-foot threshold that triggers an analysis of wind. Therefore, BVDSP EIR Mitigation Measure AES-5: Wind Analysis would not apply.

Conclusion

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that EIR, nor would it result in new significant impacts related to aesthetics, shadows, or wind that were not identified in the BVDSP EIR. Mitigation Measures AES-4, AES-5, and AES-6 do not apply to the proposed project. The proposed project would be required to implement SCAs related to graffiti control, landscaping, landscape maintenance, street frontages, and lighting plans, as identified in Attachment A at the end of the CEQA Checklist (SCA AES-1: *Graffiti Control*, SCA AES-2: *Landscape Plan*, and SCA AES-3: *Lighting*).

2. Air Quality

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

BVDSP EIR Analysis

Construction and Operational Emissions (Criterion 2a)

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

The BVDSP EIR also determined operational activities associated with development in the Plan Area would result in an increase in criteria air pollutant and precursor emissions from mobile on-road sources and on-site area sources, such as natural gas combustion for space and water heating and landscape maintenance, which would have a significant impact. Operational emissions of ROG, oxides of nitrogen (NO_x), and particulate matter less than or equal to 10 microns in diameter (PM₁₀) would exceed significance thresholds. An SCA (hereafter referred to as SCA TRA-4: *Transportation and Parking Demand Management Plan*) that requires the implementation of Parking and Transportation Demand Management (TDM) would reduce vehicular trips and operational emissions. BVDSP Recommended Measure AIR-2 includes additional measures that should be considered for larger projects that would also reduce emissions of criteria air pollutants. Even with implementation of the SCA and BVDSP Recommended Measure AIR-2, the EIR concluded this impact would conservatively remain significant and unavoidable for emissions of ROG, NO_x, and PM₁₀.

Toxic Air Contaminants (Criterion 2b)

The BVDSP EIR determined that development under the BVDSP could generate substantial levels of Toxic Air Contaminants (TACs), resulting in significant impacts from construction activities and project operations. Implementation of the City's SCA for construction-related air pollution controls would reduce health risks to sensitive receptors from temporary construction emissions of diesel particulate matter in accordance with recommendations from the BAAQMD's *CEQA Air Quality Guidelines*.¹³ As described under SCA AIR-1: *Construction-Related Air Pollution Controls [Dust and Equipment Emissions]*, basic controls for construction emissions would be implemented for all projects, and enhanced controls would be implemented for projects that involve 114 or more single-family dwelling units, 240 or more multi-family units, nonresidential uses that exceed the applicable screening size listed in the BAAQMD's CEQA Guidelines, a demolition permit, simultaneous occurrence of more than two construction phases, extensive site preparation, or extensive soil transport. Even with implementation of the SCA for construction-related air pollution controls, the BVDSP EIR conservatively determined that impacts from TAC emissions during construction would remain significant and unavoidable.

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

¹³ BAAQMD, 2012. *CEQA Air Quality Guidelines*. Updated May.

Project Analysis

Construction and Operational Emissions (Criterion 2a)

The proposed project would be up to 35,585 square feet in size, including 30 residential units and approximately 6,425 square feet of retail. The BVDSP EIR allows for the distribution of density and development type between categories and sub-areas as long as such development conforms to the general traffic generation parameters established by the Plan. The proposed project conforms to the traffic generation parameters analyzed in the BVDSP EIR, as described below in Section 13, *Transportation and Circulation*; therefore, the BVDSP EIR accounted for the construction and operational emissions from the development proposed on the project site within its analysis. The proposed project would be required to comply with applicable SCAs related to parking and transportation demand and construction and operation source emissions.

Because the proposed project would include a demolition permit and the potential simultaneous occurrence of construction phases (e.g., building construction, architectural coating, and paving), it would be required to implement both the basic and enhanced controls for emissions of dust and equipment exhaust under SCA AIR-1: *Construction-Related Air Pollution Controls (Dust and Equipment Emissions)* to reduce emissions of criteria air pollutants and TACs during construction. The proposed project would also implement BVDSP Recommended Measure AIR-1 to further reduce construction emissions from architectural coatings. As shown in **Table AIR-1**, the project's operational emissions of criteria air pollutants generated from mobile on-road sources and on-site area sources, such as natural gas combustion for space and water heating and landscape maintenance, would be less than the significance thresholds. As the proposed project's retail and residential components are less than 50,000 square feet and 325 residential units respectively in size, the project would not be required to implement BVDSP Recommended Measure AIR-2, which was identified in the BVDSP EIR to further reduce operational emissions.

TABLE AIR-1
PROPOSED PROJECT OPERATIONAL EMISSIONS OF CRITERIA AIR POLLUTANTS

Source	Average Criteria Air Pollutants (pounds per day)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Emissions from Proposed Uses	1.1	2.8	1.1	0.3
Less Existing Emissions	0.4	1.0	0.2	0.07
Net Increase	0.8	1.8	0.9	0.2
BAAQMD Threshold	54	54	54	54
Exceeds Threshold?	No	No	No	No

NOTES:

^a Project operational emissions estimates were made using CalEEMod version 2016.3.1.

^b Based on trip generation estimates for the project derived from the project's transportation analysis.

Toxic Air Contaminants (Criterion 2b)

Health Risks from Project Construction to Existing Receptors

Project construction would take place over a period of 24 months beginning in February 2018. Existing sensitive receptors are located primarily to the south and southeast with the nearest receptors as close as 110 feet from the project site. Construction emissions associated with the proposed project would not result in a more severe impact than what was previously disclosed in the BVDSP EIR. The BVDSP EIR does not indicate that an additional project-level analysis of construction-related health risks is necessary. There is no evidence that the proposed project would have peculiar or unusual impacts or impacts that are new or more significant than previously analyzed in the BVDSP EIR. Moreover, the project site's proximity to sensitive receptors is typical of other project sites in the BVDSP area and other urban areas. Therefore, there would be nothing unique or peculiar about the proposed project's proximity to sensitive receptors. Consequently, the analysis and conclusions of the BVDSP EIR are still valid for this proposed project.

Nevertheless, a project-level construction-related health risk assessment (HRA) was conducted to estimate risks to nearby receptors (see **Appendix A**). The analysis determined that health risk from project construction to nearby receptors would be less than project level significance thresholds with the implementation of subsection (w) of SCA AIR-1, which requires construction equipment to be equipped with Best Available Control Technology and meet the California Air Resources Board's most recent certification standard. In order to comply with subsection (w) of SCA AIR-1, the project applicant would be required to ensure that construction equipment meet Tier 4 Interim emissions standards, which can reduce emissions of diesel particulate matter by at least 85 percent relative to equipment without emission control technologies installed.¹⁴ Beyond SCA AIR-1, there are no additional feasible control measures available to further reduce construction-related diesel particulate matter emissions.

Health Risks to Project Receptors

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

As required by SCA AIR-2, to assess the impact of existing and proposed sources of TACs on the proposed project's new residential sensitive receptors, a screening level cumulative analysis was conducted (see Appendix A). **Table AIR-2** summarizes the results of this analysis. Using conservative assumptions, the screening level analysis found that the cumulative health risks to the project's sensitive receptors from existing and reasonably foreseeable future sources of TACs would be less than the City's cumulative health risk thresholds for cancer risk, chronic risk (HI) and fine particulate matter (PM_{2.5}) concentration. This would be a less than significant impact.

¹⁴ California Air Resources Board, 2015. *Frequently Asked Questions; Regulation for In-Use Off-Road Diesel-Fueled Fleets*. Revised December.

**TABLE AIR-2
CUMULATIVE HEALTH RISKS FROM EXISTING AND
PROPOSED TAC SOURCES TO PROJECT RECEPTORS**

Source	Cancer Risk (persons per million)	Chronic Hazard Impact	PM _{2.5} Concentration (µg/m ³)
Existing stationary sources within 1,000 feet of the project site	18.9	0.01	0.01
Major Roadways (with more than 10,000 AADT) within 1,000 feet of the project site	17.4	0.32	0.32
Backup generators at projects proposed within 1,000 feet of the project site	27.7	--	0.4
Cumulative impact to project receptors	64	0.33	0.72
<i>City of Oakland Cumulative Significance Criteria (new receptors)</i>	100	10	0.8
Potentially Significant Impact?	No	No	No

SOURCE: Appendix A

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

Conclusion

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to air quality that were not identified in the BVDSP EIR. The proposed project would be required to implement SCAs related to construction-related emissions controls and development, as identified in Attachment A at the end of the CEQA Checklist (SCA AIR-1: *Construction-Related Air Pollution Controls [Dust and Equipment Emissions]*, SCA AIR-2: *Exposure to Air Pollution [Toxic Air Contaminants]*, SCA AIR-3: *Stationary Sources of Air Pollution [Toxic Air Contaminants]*, and SCA AIR-3: *Asbestos In Structures*).

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

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

3. Biological Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR	New Significant Impact
<p>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;</p> <p>Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means;</p> <p>Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or</p> <p>Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

As described in the BVDSP EIR, the Plan Area is in and is surrounded by a fully developed urban environment, and impacts of development on biological resources under the BVDSP would be less than significant. Few special-status animals are present in the Plan Area, and no aquatic habitats that could support migratory fish or birds are present. In addition, very little natural vegetation exists; and because this vegetation is not connected to other nearby natural habitats, it would not constitute a wildlife corridor. There are no natural sensitive communities in the Plan Area. The nearest riparian habitat is Glen Echo Creek near Adams Park, where the stream daylight for a short distance before flowing under Grand Avenue and into Lake Merritt. Potential increases in transmittal of hazardous materials from construction activities via runoff from the impermeable surfaces of the site could result in adverse impacts to Glen Echo Creek. The BVDSP EIR identified landscape trees in the Plan Area as potential nursery sites for nesting

birds. In addition, projects developed under the BVDSP could cause harm to birds by increasing bird collisions with buildings.

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

Project Analysis and Conclusion

The approximately 0.14-acre project site is located in an urban setting on a site that is fully developed with an existing building; the project site is covered entirely by impervious surfaces. There is no vegetation or street trees on the project site; small shrubs and trees used for landscaping are located to the west of the project site in the wide sidewalk and landscaped area between the project site and Broadway, and would not be removed or disturbed during construction of the proposed project. The project site is not located adjacent to a creek. Implementation of the proposed project would not change the amount of impervious surfaces on the project site.

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

4. Cultural Resources

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

Historical Resources (Criterion 4a)

The BVDSP EIR found that development under the BVDSP could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources, which would be considered a significant impact. The Plan Area contains 20 individual properties, including two in an Area of Primary Importance (API), that are considered historical resources for CEQA purposes.¹⁵ There are also many older buildings that possess architectural merit, either in Areas of Secondary Importance (ASIs) or standing alone, that contribute to the variety and texture of the Plan Area.¹⁶

The BVDSP EIR identified Mitigation Measure CUL-1 to reduce the impacts to historical resources throughout the Plan Area, as well as the site-specific impacts associated with the demolition of

¹⁵ Area of Primary Importance is an area or district that appears eligible for the National Register of Historic Places, and is considered a historical resource under CEQA.

¹⁶ Area of Secondary Importance is an area or district that is of local interest, but is not eligible for the National Register of Historic Places and is not considered a historical resource under CEQA.

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

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

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

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

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

No known archaeological resources have been recorded in the Plan Area; however, the BVDSP EIR revealed that the Plan Area is potentially sensitive for archaeological and buried sites that are not visible due to urban development. The BVDSP EIR determined that implementation of an SCA, which would ensure that resources are recovered and that appropriate procedures are followed in the event of accidental discovery, would minimize potential risk of impact to archaeological resources to a less-than-significant level.

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

Human Remains (Criterion 4d)

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

Project Analysis and Conclusion

Historic Architectural Resources

The project site is not located within an identified historic district nor does it contain an identified historic resource. The existing building was constructed between 1929 and 1930, and has been rated by the Oakland Cultural Heritage Survey (OCHS) as Dc-3. This rating indicates that the building is of minor historic importance and is, therefore, not considered an historic resource under CEQA. Nearby local historic resources include the Pacific Kissel Kar Salesroom and Garage (one block south); the Packard Lofts and the Newsome Apartments (two blocks south); the First Presbyterian Church (one block north); and the Pacific Nash Co. Auto Sales and Garage and the Howard Automobile-Dahl Chevrolet Showroom (two blocks north).

Based on the City's historic resource rating for the existing building, demolition would not result in a significant impact and Mitigation Measures CUL-1 and CUL-5, as outlined in the BVDSP EIR would not apply.

Archaeological and Paleontological Resources and Human Remains

The proposed project would excavate approximately three feet below grade for grading activities, with a maximum depth of between 13 and 15 feet below ground surface (bgs) in some locations, resulting in the removal of approximately 452 cubic yards of soil. The project site is underlain by Pleistocene marine terrace deposits of sandy clay to depths of four feet bgs, at which point groundwater is present.¹⁷ As shown in Figure 4.4-1 of the BVDSP EIR, the geology at the project site is primarily Artificial Fill over Bay Mud, as well as some Pleistocene bay terrace deposits and Pleistocene alluvium. SCA CUL-1, SCA CUL-2, and SCA CUL-3, which are related to archaeological and paleontological resources and human remains, would apply to the proposed project and, as outlined in the BVDSP EIR, would reduce any potential impacts to a less-than-significant level.

An examination of the analysis, findings, and conclusions of the BVDSP EIR finds that implementation of the proposed project would not substantially increase the severity of the significant impacts that were identified in the BVDSP EIR, nor would it result in new significant impacts related to cultural resources that were not identified in the BVDSP EIR. The proposed project would be required to implement SCAs related to the discovery of archaeological and paleontological resources during construction and the discovery of human remains during construction, as identified in Attachment A at the end of the CEQA Checklist (SCA CUL-1: *Archaeological and Paleontological Resources – Discovery During Construction*, CUL-2: *Archaeologically Sensitive Areas – Pre-Construction Measures*, and SCA CUL-3: *Human Remains – Discovery During Construction*).

¹⁷ EKI, Inc. 2016. *Phase I Environmental Assessment 2500 Webster Street Oakland, California*. December 22.

5. Geology, Soils, and Geohazards

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

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

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

Development proposed under the BVDSP would avoid and minimize potential geologic impacts through compliance with local and state regulations governing design and construction practices, such as the Seismic Hazards Mapping Act (in liquefaction hazard zones) and the California Building Code. Implementation of SCA GEO-1, which requires the preparation of soils and geotechnical reports specifying generally accepted and appropriate engineering techniques would reduce potential impacts to less-than-significant levels.

The BVDSP EIR identified no impacts related to substantial soil erosion or loss of topsoil, because the Plan Area is in a developed urban area that is paved or landscaped, and served by a storm drain system. In addition, SCA GEO-2 would minimize erosion and sedimentation.

Project Analysis and Conclusion

The proposed project would excavate approximately three feet below grade for grading activities, with a maximum depth of between 13 and 15 feet below ground surface (bgs) in some locations, resulting in the removal of approximately 452 cubic yards of soil. Projects within the City that propose to excavate more than 500 cubic yards of soil are required to obtain a grading permit. As noted in the Project Description, the project applicant has agreed to apply for a grading permit even though the amount of soil excavated would not trigger the threshold.

The site is not within a hazard zone for earthquake-induced landslides, nor is it within a liquefaction hazard zone, as designated on a map prepared by the California Geological Survey.¹⁸ According to the preliminary geotechnical investigation prepared for the proposed project (Geotechnical Report), the main geotechnical concerns include expansive soil, seismic hazards (ground rupture, ground shaking, liquefaction, ground lurching), and the potential for soil corrosion.¹⁹ The Geotechnical Report included preliminary recommendations for demolition, fill, and project foundation and concluded a site-specific design-level geotechnical exploration should be performed as part of the project design process in order to provide specific recommendations regarding grading, foundation design, and drainage for the proposed project. The proposed project would be required to comply with the requirements of California Building Code and the Seismic Hazards Mapping Act, which would prevent exposure of people or structures to substantial risk of loss, injury, or death during a large regional earthquake.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to geology, soils, and geohazards that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the proposed project. SCAs related to erosion, grading, and sedimentation control would apply, as identified in Attachment A at the end of the CEQA Checklist (SCA GEO-1: *Construction-Related Permit[s]* and SCA GEO-2: *Soils Report*).

¹⁸ California Geologic Survey, 2003. *State of California Seismic Hazard Zones, Oakland West Quadrangle Official Map*. Released February 14.

¹⁹ ENGEO Incorporated, 2017. *Preliminary Geotechnical Report, 2500 Webster Street, Oakland, California*. March 3.

6. Greenhouse Gas and Climate Change

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

Greenhouse Gas Emissions (Criterion 6a)

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

Consistency with Applicable GHG Plans (Criterion 6b)

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

Project Analysis and Conclusion

As discussed under the BVPSP EIR, the proposed project would generate GHG emissions from both construction and operation. While there were no mitigation measures included in the BVDSP EIR that would apply to the proposed project, the proposed project would be required to comply

with all applicable SCAs that would reduce GHG emissions. Several City SCAs such as those pertaining to alternative transportation facilities (bicycles and BART), construction equipment emissions, construction waste reduction and recycling, as well as California Green Building Standards would also contribute to minimizing potential GHG emissions from construction and operations of the proposed project. Specifically, these SCAs include, but are not limited to, a Construction and Demolition Waste Reduction and Recycling Plan (SCA-UTIL-1), and Construction-related air pollution controls (SCA-AIR-1).

The BVDSP EIR included an SCA requiring the preparation of a GHG Reduction Plan for projects of a certain minimum size that produce total GHG emissions during operations that exceed one or both of the City's established thresholds of significance for land use developments, or involve a stationary source (e.g., backup generator) that produce total GHG emissions that exceed the City's established threshold of significance for stationary sources. A GHG screening analysis was prepared for the proposed project to determine whether a GHG Reduction Plan was required to reduce the proposed project's impact with respect to GHG emissions (see **Appendix B**). The project's GHG emissions from construction and operation were estimated using the most current version of the California Emissions Estimator Model (CalEEMod, version 2016.3.1) and are summarized in **Table GHG-1**. As shown, the screening analysis determined that the proposed project would not exceed the City's thresholds of 1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per service population. Therefore, preparation of a Greenhouse Gas Reduction Plan is not triggered by the proposed project's impact with respect to GHG emissions.

TABLE GHG-1
PROPOSED PROJECT GHG EMISSIONS^a

Project Component	CO ₂ e ^b (metric tons per year)
Area Sources	1.6
Energy Emissions	89.7
Mobile Sources ^c	245.4
Solid Waste	10.3
Water and Wastewater ^d	5.8
Annualized Construction Emissions (Over 40 Years)	9.2
Less Existing Emissions	- 100
Net Increase without Mobile Sources	16
City of Oakland Screening Threshold	1,100
Exceeds Threshold?	No
Service Population (56 residents and 13 employees) ^e	69
Net Project Emissions (without Mobile Sources) per Service Population	0.24
City Emissions per Service Population Threshold	4.6
Exceeds Threshold?	No

NOTES

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

Based on the analysis conducted, as the project would comply with all applicable SCAs and does not meet the threshold requirements for a GHG Reduction Plan, it would be consistent with the City of Oakland's Energy and Climate Action Plan, as well as the BVDSP.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to GHG and climate change that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to GHGs, and none are required for the proposed project. The proposed project would be required to implement SCAs related to site landscaping, air pollution controls during construction activities, waste and recycling of materials during construction, and green building requirements identified in Attachment A at the end of the CEQA Checklist (SCA AES-2: *Landscape Plan*, SCA AIR-1: *Construction-Related Air Pollution Controls (Dust and Equipment Emissions)*, SCA UTIL-1: *Construction and Demolition Waste Reduction and Recycling*, and SCA UTIL-4: *Green Building Requirements*).

7. Hazards and Hazardous Materials

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

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

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

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

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

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

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

Emergency Access Routes (Criteria 7c)

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

Project Analysis and Conclusion

The proposed project is not on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List"). In compliance

with the City's SCA HAZ-2: *Site Contamination*, a Phase I Environmental Site Assessment (ESA) and a Phase II Subsurface Investigation were completed for the site as described below.²⁰

The Phase I ESA prepared for the project site indicated a history of land use including commercial/light industrial uses, including a veterinary hospital and auto-related uses (i.e., auto service, repair, and sales). These operations handled common hazardous materials such as petroleum hydrocarbons, including gasoline, oil, waste oil, and degreasers and solvents. The Phase I ESA did not reveal any recognized environmental conditions (RECs). The following is a summary of the Phase I ESA findings and opinions and results of Phase II Subsurface Investigation:

- A 2004 Phase I ESA prepared for the project site, which was at that time occupied by an auto repair business, concluded that no evidence was discovered to indicate that activities historically conducted on the project site contributed fuel or solvent contamination to soil or groundwater on the project site. It found no evidence of recognized environmental conditions in connection with the property and recommended that no further work be performed regarding the current status of subsurface environmental conditions at the project site.
- Based upon environmental observations at the project site and at nearby sites, artificial fill soils are likely present beneath the project site. The material used to fill and grade the project site is unknown, but could potentially be impacted by metals, petroleum hydrocarbons, and polycyclic aromatic hydrocarbons ("PAHs"). Subsurface samples collected of the fill material evaluated for chemicals of potential concern ("COPCs"), revealed concentrations of lead exceeding the Environmental Screening Levels (ESL) for residential land use and less than the ESL for commercial land use.
- From 1928 to 2004, the project was used for various operations associated with automobile service and repair. During this time, a spray booth, hydraulic hoists, and aboveground storage of new lubricating oils and waste oil existed at the project site. Although no reports of releases were identified in available records, given the historical chemical use at the project site, it is possible that chemicals may have been released to the subsurface in the past. Given that the majority of the project site is currently capped with a building and concrete floor and exterior paved surfaces, the potential for direct contact with contaminants in soil, if any, by typical site users is low under the current site setting. Subsurface fill, soil, and groundwater samples revealed lead, as described above, and other metals concentrations generally consistent with background levels for the region and not indicative of chemical release from the project site. The condition is not considered an REC for the project site.
- The project site is located in a historically industrial area of Oakland. Historical industrial activities in this area likely included significant chemical uses that may result in groundwater impacts that could migrate beneath the project site. Based on the results of subsurface fill, soil, and groundwater sampling, the project site does not appear to be impacted by off-site chemical releases and the condition is not an REC for the project site.
- Given the age of site structures, asbestos and/or lead paint may be present in or on site structures and a survey may be required as part of future site demolition.

²⁰ EKI, Inc., 2017. *Phase I Environmental Site Assessment and Results of Phase II Subsurface Investigation*, 2500 Webster Street, Oakland, California, February 22.

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

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

SCA HAZ-2 would also require implementation of specific sampling and handling and transport procedures for reuse or disposal in accordance with applicable local, state, and federal requirements. The exact method employed or plan to be implemented would be identified in a Site Management Plan, which would be prepared by the project applicant and would require compliance with identified federal, state or local regulations or requirements and specific performance criteria. Implementation of SCA HAZ-2 will be reviewed, approved, and overseen by the City, and any applicable regulatory agency, as required by law.

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

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

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to hazards and hazardous materials, and none would be needed for the proposed project. SCAs related to asbestos removal; lead-based paint/coatings; PCBs; ESA reports and remediation; health and safety plans; groundwater and soil contamination; and hazardous materials business plans would apply to the proposed project, as identified in Attachment A at the end of the CEQA Checklist (SCA AIR-3 *Asbestos in Structures*, SCA HAZ-1: *Hazardous Materials Related to Construction* and SCA HAZ-2: *Hazardous Building Materials and Site Contamination*).

8. Hydrology and Water Quality

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

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

The BVDSP EIR determined that development in the Plan Area would result in construction activities that would require ground disturbance, resulting in impacts to hydrology and water quality. The BVDSP EIR identified several SCAs that would reduce impacts to a less-than-

significant level by minimizing runoff and erosion, as well as sedimentation and contamination to stormwater and surface water during construction activities.

Use of Groundwater (Criterion 8b)

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

Flooding and Substantial Risks from Flooding (Criteria 8d)

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

Project Analysis and Conclusion

The project site is currently developed with buildings and paved surface parking lots; impervious surfaces generally cover the entire site, totaling 6,253 square feet (approximately 0.14 acres). The proposed project would not result in any change to the amount of impervious surface area on the project site. Implementation of SCA HYD-1, which requires the preparation of an erosion and sedimentation control plan for construction activities, would reduce potential erosion and sedimentation impacts to less-than-significant levels. The proposed project would include the use of pervious pavers for portions of the public right-of-way in the set-back areas in front of the proposed building. Similar to existing site conditions, runoff from sidewalks and walkways would be directed to the storm drain system. Because the site is relatively flat and the amount of impervious surface area would not increase as a result of the proposed project, the potential for the proposed project to substantially alter drainage patterns or increase the flow of runoff would be less than significant. Furthermore, implementation of SCA HYD-2, which requires compliance with Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), would reduce the potential impact of polluted runoff to a less-than significant level. The project site is located outside of the 100-year flood hazard zone.²¹

²¹ Federal Emergency Management Agency, 2009. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Panel 59 of 725, Map Number 06001C0059G. Effective August 3.

The project site is underlain by Pleistocene marine terrace deposits of sandy clay to depths of four feet bgs, at which point groundwater is present.²² Grading activities are anticipated to potentially reach a depth of 13 to 15 feet, which may encounter groundwater thereby dewatering during construction. However, dewatering during construction would be temporary and have only a localized and short-term effect on groundwater levels. Post-construction dewatering would not be required because the foundation and wall systems below the groundwater table would be waterproofed to prevent infiltration.

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

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the BVDSP EIR. The BVDSP EIR identified no mitigation measures related to hydrology and water quality, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Attachment A at the end of the CEQA Checklist (SCA HYD-1: *Erosion and Sedimentation Control Plan for Construction*, SCA HYD-2: *NPDES C.3 Stormwater Requirements for Regulated Projects*, SCA GEO-1: *Construction-Related Permit(s)*, SCA GEO-2: *Soils Report*, and SCA UTIL-6: *Storm Drain System*).

²² EKI, Inc. 2016. *Phase I Environmental Assessment 2500 Webster Street Oakland, California*. December 22.

9. Land Use, Plans, and Policies

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

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

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

Project Analysis and Conclusion

The proposed project's General Plan land use classification is Central Business District which 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 project is consistent with the General Plan land use designation because it will provide a mixed-use development providing residential and commercial uses.

The project site is on one parcel located within the boundaries of the Plan Area, D-BV-1 (Retail Priority Sites Commercial Zone 1). The regulatory framework of D-BV-1, which covers Retail Priority Sites under the BVDSP Plan Area, ensures that larger sites and opportunity areas are reserved primarily for new large-scale retail development that is oriented toward consumer goods, at least on the ground floor. Retail Priority Sites under the D-BV-1 zone conditionally permit residential uses with the inclusion of retail uses. The project site is also within the 45 foot height area, which also limits height and density by the amount of retail square footage being provided. Specifically, to exceed 45 feet in height, and to allow residential uses, the entire Retail Priority Site must provide a minimum retail square footage of 50 percent of the entire Retail

Priority site area. Retail Priority Sites in the D-BV-1 zone are well served by transit, have excellent vehicular access, and are in areas of good visibility.

The proposed project is located on one parcel out of five that comprise Retail Priority Site 3(c). **Table LAN-1** below shows the square footages of each of the parcels contained within this Retail Priority Site. As shown in the table, the total amount of proposed/existing ground-floor retail is approximately 18,020 square feet, which is more than 50 percent of the total lot square footage. Therefore, the proposed project exceeds the Retail Priority Site requirements and would qualify for a CUP, allowing a building height of up to 85 feet and development of residential uses.

**TABLE LAN-1
RETAIL PRIORITY SITE CALCULATIONS**

Address	APN	Lot SF (approx.)	Proposed/Existing Retail SF (approx.) ²
2424 Webster Street (Kia/Avis/Budget) ¹	8-672-19	12,500	7,487
2442 Webster Street (Mua)	8-672-20	6,250	6,250
2500 Webster Street (project site)	8-672-21	6,250	4,283
2433-2441 Valdez Street (Audi)	8-672-4; 8-672-5	10,500	0
Total		35,500	18,020

NOTES:

¹ Site is currently being considered for mixed-use redevelopment (PLN-XXX).

² Retail square footage includes ground-floor uses only; retail square footages attributed to mezzanine-level uses are not included in this table.

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

10. Noise

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

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

Overall, the BVDSP EIR determined that impacts related to construction and operations of development under the BVDSP would be less than significant. Construction-related activities associated with development under the BVDSP would temporarily increase ambient noise levels and vibration in the vicinity of construction sites. Implementation of City SCAs would minimize construction noise impacts by limiting hours of construction activities; require best available noise control technology on construction equipment; require vibration monitoring when construction activities take place adjacent to historic structures; and require project applicants and/or their contractors to notify residents in the project vicinity of construction activities and hours, and to track and respond to any noise complaints.

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

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

Traffic Noise (Criterion 10c)

The BVDSP EIR determined that development under the Specific Plan would increase noise levels adjacent to nearby roads due to additional vehicles traveling throughout the Plan Area. The EIR found that the increase in traffic from the Existing Plus Project scenario as compared to existing conditions would increase peak-hour noise levels by less than 5 A-weighted decibels (dBA) at all studied roadway segments, with the exception of 24th Street east of Broadway and 26th Street east of Broadway, where the increase in roadside noise would be 6.4 and 5.1 dBA, respectively. In addition, the increase in traffic noise between the Cumulative No Project (2035) and Cumulative Plus Project (2035) scenarios would be 5.3 dBA along 24th Street east of Broadway, and 4.9 dBA along 26th Street east of Broadway. The cumulative increases in traffic-generated noise could also combine with stationary noise sources, such as rooftop mechanical equipment and back-up generators, to result in significant cumulative impacts. The EIR determined that no feasible mitigation measures are available, and that these impacts would remain significant and unavoidable.

Project Analysis and Conclusion

Construction activities associated with the proposed project are expected to occur over approximately 24 months, and would entail demolition, site preparation and grading, building construction, finishing interiors and paving. Project construction would not require pile driving. The proposed project is in the vicinity (within 200 feet) of other proposed projects including 2401 Broadway, and 2424 Webster. Construction schedules of these projects are currently unknown and construction activities for the proposed project and some/all of these other projects may occur simultaneously. The amount of new residential development proposed in the area under the Development Program exceeds that assumed by the Plan, but the trip generation created by those development is less than what was assumed because the amount of retail and office uses currently proposed are well below the BVDSP EIR assumptions. As such, the proposed project is within the envelope of the Development Program analyzed in the BVDSP and therefore would not be anticipated to substantially increase the level of significance of the construction noise impact identified in the BVDSP EIR or result in a new significant construction noise impact. In addition, the proposed project would be required to implement SCA-NOI-1: *Construction Days/Hours* to limit the days and hours of construction, SCA-NOI-2: *Construction Noise* and SCA-NOI-3: *Extreme Construction Noise* to ensure the application of noise reduction measures to reduce noise impacts and extreme construction noise, and SCA-NOI-4: *Construction Noise Complaints* to provide measures to respond to and track construction noise complaints (if any). The proposed project would not be located adjacent to any historical structures that could be affected by project construction activities.

During operation of the proposed project, noise from mechanical equipment and increased traffic from additional trips associated with the residential and retail components of the project, including truck deliveries, and potential audio warning devices along project driveways would be generated. Based on noise measurements conducted in the Plan Area for the BVDSP EIR, the noise environment at the proposed project site would be considered conditionally acceptable for residential uses and normally acceptable for retail and commercial uses. In addition, the proposed project would be located in the vicinity of street segments of 26th Street and Broadway where the impact from increased cumulative traffic noise in the Plan Area was identified as significant and unavoidable in the BVDSP EIR. However, the proposed project conforms to the traffic generation parameters for the Plan Area analyzed in the BVDSP EIR, as described below in Section 13, *Transportation and Circulation*. Although the amount of residential development in conjunction with other development proposed in the area so far is currently more than what was assumed under the Development Program Buildout in the BVDSP EIR, as noted above, the amount of retail uses proposed are well below the BVDSP EIR assumptions, the combined trip generation would be within the scope of the program analyzed under the BVDSP EIR for the Plan Area and the proposed project would be consistent with the assumptions in the BVDSP EIR. Therefore, the proposed project would not be anticipated to substantially increase the severity of significant impacts identified in the BVDSP EIR or result in new significant impacts since the proposed project is consistent with the anticipated Plan Area development and trip generation estimates. In addition, as the proposed project would be in an area where the noise environment would be considered conditionally acceptable for residential uses, the project would be required to implement SCA-NOI-5: *Exposure to Community Noise* to ensure acceptable indoor noise levels

within project buildings and SCA-NOI-6: *Operational Noise*, which would require all operational noise sources to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. The proposed project is not located in the vicinity of any sources of vibration (such as active rail lines) that the residents of the new dwelling units would be exposed to, nor would it be located adjacent to vibration sensitive activities where vibration could substantially interfere with normal operations.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, and since the proposed project is consistent with Development Program anticipated in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to noise that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to noise, and none would be necessary for the proposed project. The proposed project would be required to implement SCAs to reduce construction noise and vibration, achieve interior noise standards, and require mechanical equipment to meet applicable noise performance standards presented on page 4.10-12 in BVDSP EIR. Related SCAs are provided in Attachment A at the end of the CEQA Checklist (SCA-NOI-1: *Construction Days/Hours*, SCA-NOI-2: *Construction Noise*, SCA-NOI-3: *Extreme Construction Noise*, SCA-NOI-4: *Construction Noise Complaints*, SCA-NOI-5: *Exposure to Community Noise* and SCA-NOI-6: *Operational Noise*).

11. Population and Housing

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

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

The BVDSP EIR determined that impacts related to population growth and displacement of housing and people would be less than significant. Development under the BVDSP would add up to 1,800 housing units and 3,230 residents to the Plan Area.²³ This would represent approximately two percent of the total population growth projected for Oakland through 2035, and would not be considered substantial. Although adoption and development under the BVDSP could require the demolition of existing housing units, existing regulations such as Housing Element policies, the Ellis Act (Government Code Sections 7060 through 7060.7), and the City of Oakland's Ellis Act Ordinance (Oakland Municipal Code Sections 8.22.400 through 8.22.480) would prevent significant impacts.

Project Analysis and Conclusion

The proposed project would demolish the existing building on the project site and would construct a six-story mixed-use residential and commercial building with 30 residential units and approximately 6,425 square feet of commercial space. The proposed project would not demolish or displace any existing housing units.

²³ As shown in Table TRA-4, there are 2,805 net new housing units, approximately 342,600 gross square feet of net new commercial uses, and 167 net new hotel rooms constructed and/or proposed for development under the BVDSP to date. The BVDSP EIR allows for the distribution of density and development type between categories and sub-areas as long as such development conforms to the general traffic generation parameters established by the Plan.

The proposed project would result in a net increase of approximately 56 new residents and one job.²⁴ While the proposed project, in combination with other proposed and approved projects in the Plan Area, could result in more than 1,800 dwelling units being built, the BVDSP allows for flexibility with respect to the quantity and type of future development as long as such development conforms to the general traffic generation parameters established by the BVDSP EIR. As such, the proposed project is within the envelope of the Development Program analyzed in the BVDSP EIR.

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

²⁴ The BVDSP EIR assumed approximately 1.87 residents per dwelling unit. Net jobs are calculated using a standard generation rate of 500 square feet per employee, and account for jobs eliminated due to the removal of existing uses.

12. Public Services, Parks and Recreation Facilities

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR	New Significant Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; or • Other public facilities. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Project Analysis and Conclusion

The proposed project would add up to 30 residential units and approximately 6,425 square feet of commercial space. The proposed project, while not specified in the Development Program, is

consistent with the BVDSP, which did not prescribe or assume exact land uses on a site-by-site basis and instead established a maximum density based on trip generation and traffic capacity. The proposed project is within that trip generation and traffic capacity (see Section 13, Transportation and Circulation, below) and the proposed project uses and intensity was analyzed in the BVDSP EIR. Therefore, the proposed project's increase in demand for public services is consistent with the BVDSP EIR analysis.

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

As described above, no new parks or recreational facilities, nor expansion of existing parks or recreational facilities, would be required as a result of adoption and development under the BVDSP. In total, approximately 3,027 square feet of private and common open space would be included in the proposed project. The open space that would be provided is consistent with the requirements of the BVDSP and the Planning Code to meet recreational demands associated with development of residential units.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that report, nor would it result in new significant impacts related to the provision of public services or park and recreational facilities that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures or SCAs related to public services or park and recreational facilities, and none would be required for the proposed project.

13. Transportation and Circulation

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

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

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

For the purposes of transportation analysis, the proposed project is assumed to consist of 30 residential units, and 6,500 square feet of retail.

Vehicle Miles Travelled (VMT)

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

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

Estimating VMT

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

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

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

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

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

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

Thresholds of Significance

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

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15 percent.
- For office projects, a project would cause substantial additional VMT if it exceeds the existing regional VMT per employee minus 15 percent.
- For retail projects, a project would cause a net increase in total VMT.

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

1. Small Projects: The project generates fewer than 100 vehicle trips per day;
2. Low-VMT Areas: The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15 percent or more below the regional average; or
3. Near Transit Stations: The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop and satisfies the following:²⁵
 - Has a Floor Area Ratio (FAR) of more than 0.75;
 - Does not includes more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site); and
 - Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission).

VMT Screening Analysis

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

Criterion Number 1: Small Projects

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

²⁵ Major transit stop is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Criterion Number 2: Low-VMT Area

This project is located in TAZ 972. As shown in **Table TRA-1**, the 2020 and 2040 VMT for TAZ 972 are more than 15 percent below the regional average. Thus, the proposed project satisfies Criterion Number 2. Because the proposed project would provide less than 80,000 square feet of retail space, the retail use is considered to be local serving and is presumed to not generate substantial additional VMT.

**TABLE TRA-1
DAILY VEHICLE MILES TRAVELED SUMMARY**

Land Use	Bay Area				TAZ 972	
	2020		2040		2020	2040
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%		
Residential (VMT per Capita) ¹	15.0	12.8	13.8	11.7	6.9	6.8

NOTE:

¹ MTC Model results at analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita and accessed in February 2017.

SOURCE: Fehr & Peers, 2017

Criterion Number 3: Near Transit Stations

The proposed project would be located about 0.5 miles from the 19th Street BART Station and is served by several frequent bus routes. The proposed project is less than 0.1 miles from Broadway (Route 51A with 10 minute peak headways), about 0.2 miles from Telegraph Avenue (Route 6 with 10 minute peak headways), and about 0.5 miles from 20th Street (Routes 72, 72M, and 72R, with 10 to 12 minute peak headways). The project would satisfy Criterion Number 3 because it would also meet the following three conditions for this criterion:

- The proposed project has an FAR of 5.69, which is greater than 0.75
- The project would not provide any parking spaces. Therefore, it would not provide more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more parking than required by the City.
- The proposed project is located within the Downtown Priority Development Area (PDA) as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy

VMT Screening Conclusion

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

Consistency with BVDSP EIR

While the City now relies on VMT as their CEQA Thresholds of Significance, the threshold for determining consistency with the BVDSP EIR is based on conformity with transportation and circulation assumptions. For this reason, this section of the CEQA Checklist summarizes the project's consistency with the BVDSP EIR based on a transportation analysis completed for the proposed project. The analysis is provided in two parts below, as follows: the first part describes the BVDSP EIR analysis related to transportation and circulation impacts; the second part compares the proposed project's impacts to those analyzed in the EIR, determines the need for additional analysis of project study intersections to supplement the EIR analysis, and identifies EIR impacts and mitigation measures that would be triggered by the proposed project combined with other planned developments.

BVDSP EIR Analysis

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

The BVDSP EIR identified significant impacts to traffic operations at intersections. The BVDSP EIR determined that no significant impacts to transit, pedestrian, bicycle, and other non-traffic operations related topics would occur under any of the scenarios; therefore, these topics are not further discussed herein. As noted in the EIR, the Broadway Valdez Development Program represents the reasonably foreseeable development expected to occur in the next 20 to 25 years in the Plan Area. The Specific Plan and the EIR intend to provide flexibility in the location, amount, and type of development. Therefore, the traffic impact analysis in the EIR does not assign land uses to individual parcels; rather, land uses are distributed to five subdistricts within the Plan Area. Thus, as long as the trip generation for each subdistrict and the overall Plan Area remain below the levels estimated in the EIR, the traffic impact analysis presented in the EIR continues to remain valid.

The thresholds of significance for the BVSDP EIR were based on vehicle level of service (LOS). The EIR identified 28 significant impacts related to LOS at intersections serving the Plan Area. For each impact and associated mitigation measure(s), the EIR identified specific triggers based on the level of development in the entire Plan Area or specific subdistrict(s). Several of these impacts and mitigation measures would be triggered by the proposed project combined with other planned developments. These impacts and mitigation measures are further described below.

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

Project Analysis and Conclusion

The trip generation for the proposed project is summarized in **Table TRA-2**. The trip generation accounts for the trips generated by the existing uses at the site that would be eliminated. The proposed project is estimated to generate approximately five net new vehicle trips during the weekday AM peak hour (net reduction of one inbound and six new outbound) and approximately 15 net new vehicle trips during the weekday PM peak hour (ten inbound and five outbound).

TABLE TRA-2
2500 BROADWAY AUTOMOBILE TRIP GENERATION

Land Use	Units ¹	ITE Code	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
				In	Out	Total	In	Out	Total
Proposed Project									
Residential	30 DU	220 ²	180	3	12	15	12	7	19
Retail	6.5 KSF	820 ³	280	4	2	6	12	12	24
Subtotal			460	7	14	21	24	19	43
Non-Auto Reduction (-43%) ⁴			-200	-3	-6	-9	-10	-8	-18
Total New Project Trips			260	4	8	12	14	11	25
Existing Uses									
Auto Dealership	6.3 KSF	841 ⁵	200	9	3	12	7	10	17
Non-Auto Reduction (-43%) ⁴			-90	-4	-1	-5	-3	-4	-7
Total Existing Trips			110	5	2	7	4	6	10
Net New Project Trips			150	-1	6	5	10	5	15

NOTES:

¹ DU = Dwelling Units, KSF = 1,000 square feet.

² ITE Trip Generation (9th Edition) land use category 220 (Apartments):

Daily: $T = 6.65(X)$

AM Peak Hour: $T = 0.51(X)$ (20% in, 80% out)

PM Peak Hour: $T = 0.62(X)$ (65% in, 35% out)

³ ITE Trip Generation (9th Edition) land use category 820 (Shopping Center):

Daily: $T = 42.7(X)$

AM Peak Hour: $T = 0.96 \times X$ (62% in, 38% out)

PM Peak Hour: $T = 3.71 \times X$ (48% in, 52% out)

⁴ Reduction of 43.0% assumed. Based on City of Oakland Transportation Impact Study Guidelines using BATS 2000 data for development in an urban environment within 0.5 miles of a BART Station.

⁵ ITE Trip Generation (9th Edition) land use category 841 (Automobile Sales):

Daily: $T = 32.30 \times X$

AM Peak Hour: $T = 1.92 \times X$ (75% in, 25% out)

PM Peak Hour: $T = 1.91(X) + 23.74$ (40% in, 60% out)

SOURCE: Fehr & Peers, 2017.

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

The development projects within BVDSP Plan Area that have been constructed, are currently under construction, approved, and/or proposed, including the proposed project, and included in **Table TRA-3**. Table TRA-3 also accounts for existing uses on each site that would be demolished.

**TABLE TRA-3
DEVELOPMENTS IN THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN**

Development	BVDSP Subdistrict	Status	Proposed Development ¹				Active Existing Uses ²	Net Development ^{1,3}				
			Residential (DU)	Commercial (KSF)	Office (KSF)	Hotel (Room)		Residential (DU)	Commercial (KSF)	Office (KSF)	Hotel (Room)	Other (KSF)
3001 Broadway (Sprouts)	5	Constructed	0	36.0	0	0	Parking Lot	0	36.0	0	0	0
2345 Broadway (HIVE)	1	Constructed	105	30.3	64.0	0	11.4 KSF Auto Repair and 30.2 KSF Warehouse	105	30.3	64.0	0	-41.6
2425 Valdez St.	3	Constructed	71	1.5	0	0	Parking Lot	71	1.5	0	0	0
3093 Broadway	5	Under Construction	423	20.0	0	0	40.2 KSF Auto Dealership	423	-20.2	0	0	0
2302 Valdez St.	2	Under Construction	196	31.3	0	0	3.6 KSF Auto Repair	196	31.3	0	0	-3.6
2270 Broadway	1	Approved	223	5.0	0	0	Parking Lot	223	5.0	0	0	0
2315 Valdez/ 2330 Webster St.	1	Approved	235	16.0	0	0	Parking Lot	235	16.0	0	0	0
2630 Broadway	3	Under Construction	255	37.5	0	0	Parking Lot/ Vacant	255	37.5	0	0	0
3416 Piedmont Ave.	5	Approved	6	1.5	0	0	Vacant Lot	6	1.5	0	0	0
2400 Valdez St.	2	Under Construction	224	23.5	0	0	Parking Lot	224	23.5	0	0	0
3000 Broadway	5	Approved	127	8.0	0	0	3 Dwelling Units, 8.8 KSF Restaurant, and 10.2 KSF Auto Repair	124	-0.8	0	0	-10.2
2820 Broadway	4	Approved	218	18.0	0	0	42.2 KSF Auto Dealership	218	-24.2	0	0	0
24th and Harrison	2	Approved	437	65.0	0	0	55.2 KSF Auto Dealership, 5.3 KSF Auto Repair, and 3.25 KSF Fitness Center	437	6.6	0	0	-5.3

TABLE TRA-3 (Continued)
DEVELOPMENTS IN THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN

Development	BVDSP Subdistrict	Status	Proposed Development ¹				Active Existing Uses ²	Net Development ^{1,3}				
			Residential (DU)	Commercial (KSF)	Office (KSF)	Hotel (Room)		Residential (DU)	Commercial (KSF)	Office (KSF)	Hotel (Room)	Other (KSF)
2305 Webster St	1	Proposed	130	3.0	0	0	Parking Lot	130	3.0	0	0	0
2401 Broadway	3	Proposed	80	26.6	0	167	15.5 KSF Auto Dealership, and 7.1 KSF Retail	80	3.9	0	167	0
3300 Broadway	5	Proposed	45	3.0	0	0	5.5 KSF Retail	45	-2.5	0	0	0
2424 Webster	3	Proposed	0	10.0	48.8	0	12.5 KSF Retail	0	-2.5	48.8	0	0
2500 Webster	3	Proposed	30	6.4	0	0	6.3 KSF Auto Dealership	30	0.1	0	0	0
Total			2,805	342.6	112.8	167		2,802	146.0	112.8	167	-60.7

NOTES:

¹ DU = dwelling units, ksf = 1,000 square feet² Consists of active uses at the time the BVDSP EIR was prepared.³ Retail and non-retail uses (such as auto repair and warehouses) are presented separately because the non-retail uses generate fewer trips than typical retail uses.

SOURCE: City of Oakland, February 2017.

The total amount of development constructed, currently under construction, approved, and/or proposed with the Development Program Buildout assumptions used in the BVDSP EIR for the Plan Area (Subdistricts 1 through 5), the Valdez Triangle subarea (Subdistricts 1 through 3) and Subdistrict 3 for the proposed project, is then compared in **Table TRA-4**.

TABLE TRA-4
DEVELOPMENT COMPARISON WITHIN THE PLAN AREA,
VALDEZ TRIANGLE, AND SUBDISTRICT 3

	Residential (DU)	Retail (KSF)	Office (KSF)	Hotel (Rooms)
Plan Area (Subdistricts 1 through 5)				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	2,802	146.0	112.8	167
Development Program Buildout ²	1,797	1,114.1	694.9	180
Percent Completed	156%	13%	16%	93%
Valdez Triangle (Subdistricts 1 through 3)				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	1,986	156.2	112.8	167
Development Program Buildout ²	965	793.5	116.1	180
Percent Completed	206%	20%	97%	93%
Subdistrict 3				
Constructed, Under Construction, Approved, and Proposed Development Projects ¹	436	40.5	48.8	167
Development Program Buildout ²	40	251.4	116.1	0
Percent Completed	1,090%	16%	42%	NA

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

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

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

SOURCE: Fehr & Peers, 2017.

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

Trips generated by the proposed project, together with trips generated by other projects that are constructed, currently under construction, approved, or proposed for development in the Plan Area, would represent approximately 50 percent of the AM and 48 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Plan Area, 85 percent of the AM and 68 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle subarea, and 91 percent of the AM and 61 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3.

**TABLE TRA-5
TRIP GENERATION COMPARISON**

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Plan Area (Subdistricts 1 through 5)						
Constructed, Development Projects Approved, Proposed, or Under Construction ¹	302	688	983	988	781	1,769
Development Program Buildout ²	1,152	829	1,981	1,702	2,007	3,709
Percent Completed	26%	83%	50%	58%	39%	48%
Proposed 2500 Webster Street Project	-1	6	5	10	5	15
Project compared to Development Program Buildout	<1%	<1%	<1%	<1%	<1%	<1%
Valdez Triangle (Subdistricts 1 through 3)						
Constructed, Development Projects Approved, Proposed, or Under Construction ¹	258	502	760	742	620	1,361
Development Program Buildout ²	457	442	899	1,013	993	2,006
Percent Completed	56%	114%	85%	73%	62%	68%
Proposed 2500 Webster Street Project	-1	6	5	10	5	15
Project compared to Valdez Triangle Buildout	<1%	1%	<1%	1%	<1%	<1%
Subdistrict 3						
Constructed, Development Projects Under Construction, Approved, or Proposed	98	133	231	190	170	360
Development Program Buildout ²	178	77	255	265	325	590
Percent Completed	55%	173%	91%	72%	52%	61%
Proposed 2500 Webster Street Project	-1	6	5	10	5	15
Project compared to Subdistrict 3 Buildout	<1%	8%	2%	4%	2%	3%

NOTES:

¹ Based on application of the BVDSP trip generation model with the developments shown in Table TRA-3, and accounting for the trips generated by existing uses that would be eliminated.

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

SOURCE: Fehr & Peers, 2017.

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

Traffic Impacts at BVDSP EIR Intersections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Upgrade traffic signal operations at the intersection to actuated coordinated;
- Reconfigure the westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane;
- Provide protected left-turn phases for the northbound and southbound approaches;

- Optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic); and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group.

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

According to the BVDSP EIR, the project applicant would fund the cost of preparing and funding these mitigation measures. However, the City of Oakland adopted a citywide Transportation Impact Fee (TIF) program on May 3, 2016, which became effective on September 1, 2016. The project applicant may elect to pay the applicable TIF to mitigate project impacts, as identified above.

Additional Study Intersections

The *City of Oakland Transportation Impact Study Guidelines* require analysis of project impacts at intersections adjacent to the project site, signalized and all-way stop-controlled intersections where the project would add 50 or more peak hour trips, and side-street stop-controlled intersections where the project would add ten or more trips to the stop-controlled approach. The BVDSP EIR analyzed one of the two intersections adjacent to the site (25th Street/Broadway intersection). The BVDSP EIR did not analyze the all-way stop-controlled 24th Street/Webster Street intersection which is to the south of the project site.

The proposed project would not cause a significant impact at the 24th Street/Webster Street intersection because the proposed project would add fewer than 50 peak hour trips at this intersection, and the *2315 Valdez Street/2330 Webster Street—Final Transportation Assessment (June 14, 2015)*, concluded the intersection would operate at LOS B or better during both AM and PM peak hours. Since the 24th Street/Webster Street intersection is unsignalized, the proposed project would cause a significant impact at the intersection if the intersection would satisfy the peak hour signal warrant after the completion of the project. The additional traffic generated by the proposed project at this intersection, combined with existing traffic and traffic generated by other projects that are constructed, currently under construction, approved, or proposed for development in the Plan Area, would not satisfy the peak hour signal warrant, which is based on specific volume thresholds for each intersection approach, after the completion of the proposed project.

Beyond the intersections discussed above, the proposed project is not expected to add 50 or more peak hour trips to signalized or all-way stop-controlled intersections, or add ten or more peak hour trips to the stop-controlled approach of side-street stop-controlled intersections in the vicinity that were not analyzed in BVDSP EIR. Therefore, analysis of additional intersections beyond the ones analyzed in the BVDSP EIR is not needed. Overall, the proposed project would not result in impacts on traffic operations at the intersections beyond the ones identified in the BVDSP EIR. In addition, the proposed project also would not increase the magnitude of the impacts identified in the BVDSP EIR.

Conclusion

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

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

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to transportation and circulation that were not identified in the BVDSP EIR. The proposed project combined with other projects under construction, approved, and proposed for development in the Plan Area, would trigger and be required to implement Mitigation Measures TRANS-2, TRANS-5, TRANS-10, and TRANS-22, as described in the EIR. The proposed project would also be required to implement SCAs related to city review and approval of all improvements proposed in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, as identified in Attachment A, at the end of the CEQA Checklist (SCA-TRANS-1: *Construction Activity in the Public Right-of-Way*, SCA-TRANS-2: *Bicycle Parking*, SCA-TRANS-3: *Transportation Improvements*).

14. Utilities and Service Systems

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

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

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

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

On the other hand, development projects may increase sewer capacity demand. Implementation of SCA UTIL-5 and SCA UTIL-6, which require stormwater control during and after construction, would address potential impacts on stormwater treatment and sanitary sewer infrastructure.

Solid Waste Services (Criterion 14c)

As described in the BVDSP EIR, impacts associated with solid waste would be less than significant. Nonhazardous solid waste in the Plan Area is ultimately hauled to the Altamont Landfill and Resource Facility. The Altamont Landfill would have sufficient capacity to accept waste generated by development under the BVDSP. In addition, implementation of SCA UTIL-1 and SCA UTIL-3, which pertain to waste reduction, recycling, storage, and collection, would reduce waste through compliance with the City of Oakland's Recycling Space Allocation Ordinance (Oakland Municipal Code, Chapter 17.118).

Energy (Criterion 14d)

Development under the BVDSP would result in less-than-significant impacts related to energy standards and use. Developments would be required to comply with the standards of Title 24 of the California Code of Regulations. SCA UTIL-4, which pertains to compliance with the green building ordinance, would require construction projects to incorporate energy-conserving design measures.

Project Analysis and Conclusion

The BVDSP allows for flexibility with respect to the quantity and profile of future development within each subarea and between subareas as long as such development conforms to the general traffic generation parameters established by the Plan. The Development Program is not intended to be a cap that restricts development. As shown in Table 1, the proposed project would provide fewer dwelling units (30) and commercial space (6,425 square feet) than the 40 residential units and 251,398 square feet of commercial space contemplated in the Development Program for Valdez Triangle Subdistrict 3.²⁶ Further, the proposed project conforms to the traffic generation parameters analyzed in the BVDSP EIR, as described in Section 13, *Transportation and Circulation*, above. As such, the proposed project is within the envelope of the Development Program analyzed in the BVDSP EIR. Therefore, water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy associated with the proposed project, are consistent with the Development Program analyzed in the BVDSP EIR. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. However, the

²⁶ Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

proposed project would pay a sewer mitigation fee, which would either contribute to the cost of replacing pipes for the local collection system to increase capacity or be used to perform inflow and infiltration rehabilitation projects outside of the Plan Area, as described in the BVDSP EIR.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that report, nor would it result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to utilities and service systems, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to construction and demolition waste reductions and recycling, underground utilities, recycling collection and storage space, “green” building requirements, a sanitary sewer system, and the storm drain system, as identified in Attachment A at the end of the CEQA checklist (SCA UTIL-1: *Construction and Demolition Waste Reduction and Recycling*, SCA UTIL-2: *Underground Utilities*, SCA UTIL-3: *Recycling Collection and Storage Space*, SCA UTIL-4: *Green Building Requirements*, and SCA UTIL-5: *Sanitary Sewer System*, SCA UTIL-6: *Storm Drain System*).

ATTACHMENT A

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 2500 Webster Street Project.

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

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

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

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

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

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16): Graffiti Control</p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 	Ongoing.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA AES-2 (Standard Condition of Approval 17): Landscape Plan</p> <p>a. Landscape Plan Required</p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.</p> <p>b. Landscape Installation</p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. Landscape Maintenance</p> <p>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit. b. Prior to building permit final. c. Ongoing 	<ul style="list-style-type: none"> a. City of Oakland Bureau of Planning and Building b. City of Oakland Bureau of Building Services Division, Zoning Inspections c. City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA AES-3 (Standard Condition of Approval 18): Lighting</p> <p>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 19): Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</p> <p>The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:</p> <ol style="list-style-type: none"> Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. 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). 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. Pave all roadways, driveways, sidewalks, etc., as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). Limit vehicle speeds on unpaved roads to 15 miles per hour. 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. 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”). 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. 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. 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. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). 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. 	During construction.	City of Oakland Bureau of Planning and Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>q. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind-blown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>r. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>s. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.</p> <p>t. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>u. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>v. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>w. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>x. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>y. Off-road heavy diesel engines shall meet the California Air Resources Board’s most recent certification standard.</p> <p>z. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City’s Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p>		
<p>SCA AIR-2 (Standard Condition of Approval 20): Exposure to Air Pollution (Toxic Air Contaminants)</p> <p>a. Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p>		This measure has been implemented by the project applicant and no further action is required.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> – Installing electrical hook-ups for diesel trucks at loading docks. – Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. – Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. – Prohibiting trucks from idling for more than two minutes. – Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>SCA AIR-3 (Standard Condition of Approval 23): <i>Asbestos in Structures</i></p> <p><u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction
Cultural Resources		
<p>SCA CUL-1 (Standard Condition of Approval 29): <i>Archaeological and Paleontological Resources – Discovery During Construction</i></p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p>	During construction.	City of Oakland Bureau of Building Services Division
<p>SCA CUL-2 (Standard Condition of Approval 30): <i>Archaeologically Sensitive Areas – Pre-Construction Measures</i></p> <p><u>Requirement:</u> The project applicant shall implement either Provision A (Intensive Pre-Construction Study) <u>or</u> Provision B (Construction ALERT Sheet) concerning archaeological resources.</p>	Prior to approval of construction-related permit; during construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
<p><i>Provision A: Intensive Pre-Construction Study.</i></p> <p>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:</p> <ol style="list-style-type: none"> 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. A report disseminating the results of this research. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>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.</p> <p><i>Provision B: Construction ALERT Sheet.</i></p> <p>The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil- disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
<p>SCA CUL-3 (Standard Condition of Approval SCA 31): Human Remains – Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Geology, Soils, and Geohazards		
<p>SCA GEO-1 (Standard Condition of Approval 33): Construction-Related Permit(s)</p> <p><u>Requirement:</u> The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA GEO-2 (Standard Condition of Approval 34): Soils Report</p> <p><u>Requirement:</u> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Greenhouse Gases and Climate Change		
See SCA AES-2, Landscape Plan . See <i>Aesthetics, Wind, and Shadow</i> , above.		
See SCA AIR-1, Construction-Related Air Pollution Controls (Dust and Equipment Emissions) . See <i>Air Quality</i> , above.		
See SCA UTIL-1, Construction and Demolition Waste Reduction and Recycling . See <i>Utilities and Service Systems</i> , below.		
See SCA UTIL-4, Green Building Requirements . See <i>Utilities and Service Systems</i> , below.		
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 39): Hazards Materials Related to Construction</p> <p><u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; 	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hazards and Hazardous Materials (cont.)		
<p>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</p> <p>d. Properly dispose of discarded containers of fuels and other chemicals;</p> <p>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</p> <p>g. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>		
<p>SCA HAZ-2 (Standard Condition of Approval 40): Hazardous Building Materials and Site Contamination</p> <p>a. Hazardous Building Materials Assessment</p> <p><u>Requirement:</u> The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>b. Environmental Site Assessment Required</p> <p><u>Requirement:</u> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p>c. Health and Safety Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.</p> <p>d. Best Management Practices (BMPs) Required for Contaminated Sites</p> <p><u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p>	<p>a. Prior to approval of demolition, grading, or building permits</p> <p>b. Prior to approval of construction-related permit</p> <p>c. Prior to approval of construction-related permit</p> <p>d. During Construction</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. Applicable regulatory agency with jurisdiction</p> <p>c. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>d. City of Oakland Bureau of Building Services Division, Zoning Inspections</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hazards and Hazardous Materials (cont.)		
<p>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.</p> <p>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</p>		
See SCA AIR-3, Asbestos in Structures . See <i>Air Quality</i> , above.		
See SCA TRA-1, Construction Activity in the Public Right-of-Way . See <i>Transportation and Circulation</i> , below.		
Hydrology and Water Quality		
SCA HYD-1 (Standard Condition of Approval 45): Erosion and Sedimentation Control Plan for Construction		
<p>a. Erosion and Sedimentation Control Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p>b. Erosion and Sedimentation Control During Construction</p> <p><u>Requirement:</u> The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	City of Oakland Bureau of Building Services Division, Zoning Inspections
SCA HYD-2 (Standard Condition of Approval 50): NPDES C.3 Stormwater Requirements for Regulated Projects		
<p>a. Post-Construction Stormwater Management Plan Required</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to building permit final.</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections; City of Oakland Bureau of Planning and Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality (cont.)		
<ul style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. <p>b. Maintenance Agreement Required</p> <p><u>Requirement:</u> The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>		<p>b. City of Oakland Bureau of Building Services Division, Zoning Inspections</p>
See SCA GEO-1, Construction-Related Permit(s) . See <i>Geology and Soils</i> , above.		
See SCA GEO-2, Soils Report . See <i>Geology and Soils</i> , above.		
See SCA UTIL-6, Storm Drain System . See <i>Utilities</i> , below.		
Noise		
<p>SCA NOI-1 (Standard Condition of Approval 58): Construction Days/Hours</p> <p><u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. 	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non- enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/ emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>		
<p>SCA NOI-2 (Standard Condition of Approval 59): Construction Noise</p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 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. 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. Applicant shall use temporary power poles instead of generators where feasible. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction. 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. 	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA NOI-3 (Standard Condition of Approval 60): Extreme Construction Noise</p> <p>a. Construction Noise Management Plan Required</p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p>	<ol style="list-style-type: none"> Prior to approval of construction-related permit. During construction. 	City of Oakland Bureau of Building Services Division, Zoning Inspections

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>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;</p> <p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p>b. Public Notification Required</p> <p><u>Requirement:</u> The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>		
<p>SCA NOI-4 (Standard Condition of Approval 62): Construction Noise Complaints</p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <p>a. Designation of an on-site construction complaint and enforcement manager for the project;</p> <p>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;</p> <p>c. Protocols for receiving, responding to, and tracking received complaints; and</p> <p>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.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA NOI-5 (Standard Condition of Approval 63): Exposure to Community Noise</p> <p><u>Requirement:</u> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <p>a. 45 dBA: Residential activities, civic activities, hotels</p> <p>b. 50 dBA: Administrative offices; group assembly activities</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
c. 55 dBA: Commercial activities d. 65 dBA: Industrial activities		
<p>SCA NOI-6 (Standard Condition of Approval 64): Operational Noise</p> <p><u>Requirement:</u> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing.	City of Oakland Bureau of Building Services Division, Zoning Inspections
Transportation and Circulation		
<p>BVDSP TRA Mitigation Measures</p> <p>All the mitigation measures identified in the BVDSP EIR are included in the citywide Transportation Impact Fee (TIF). Therefore, the project applicant shall mitigate the project impacts by paying the required TIF, unless the project applicant elects to prepare and fund the following mitigation measures directly per the BVDSP EIR:</p> <ul style="list-style-type: none"> MM TRANS-2: Improvements to the Perry Place/I-580 Eastbound Ramps/Oakland Avenue intersection MM TRANS-5: Improvements to the 23rd Street/Broadway intersection MM TRANS-10: Improvements to the 27th Street/24th Street/Bay Place/Harrison Street intersection MM TRANS-22: Improvements to the 27th Street/Broadway intersection 		
<p>SCA TRA-1 (Standard Condition of Approval 68): Construction Activity in the Public Right-of-Way</p> <p>a. Obstruction Permit Required</p> <p><u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.</p> <p>b. Traffic Control Plan Required</p> <p><u>Requirement:</u> In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.</p> <p>c. Repair of City Streets</p> <p><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. Public Works Department, Transportation Services Division</p> <p>c. City of Oakland Bureau of Building Services Division, Zoning Inspections</p>

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

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 74) <i>Construction and Demolition Waste Reduction and Recycling</i></p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 75) <i>Underground Utilities</i></p> <p><u>Requirement:</u> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA UTIL-3 (Standard Condition of Approval 76) <i>Recycling Collection and Storage Space</i></p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections
<p>SCA UTIL-4 (Standard Condition of Approval 77) <i>Green Building Requirements</i></p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. 	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p> <p>c. After project completion as specified.</p>	<p>a. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>b. City of Oakland Bureau of Building Services Division, Zoning Inspections</p> <p>c. City of Oakland Bureau of Planning and Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> CALGreen mandatory measures. All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. Minimum of 23 points per the appropriate checklist approved during the Planning entitlement process. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. The required green building point minimums in the appropriate credit categories. <p>b. Compliance with Green Building Requirements During Construction</p> <p><u>Requirement:</u> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> 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. 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. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>c. Compliance with Green Building Requirements After Construction</p> <p><u>Requirement:</u> Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to Build It Green or Green Building Certification Institute and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<p>SCA UTIL-5 (Standard Condition of Approval 79) <i>Sanitary Sewer System</i></p> <p><u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-6 (Standard Condition of Approval 80) <i>Storm Drain System</i></p> <p><u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building Services Division, Zoning Inspections

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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."

Proposed Project

The proposed project would be located in the Broadway Valdez District Specific Plan (BVDSP) area (Plan Area).²⁷ It would demolish the existing building on the project site and would construct a six-story mixed-use residential and commercial building with an area of approximately 35,585 gross square feet. The proposed building would have a maximum height of up to 85 feet (including roof parapet). The proposed project would include approximately 6,425 square feet of commercial space fronting the auto plaza on Broadway and approximately 19,695 square feet of residential uses with 30 residential units.

Project Consistency

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

- The land use designation for the site is 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.
- The project site is located within the boundaries of the Plan Area, D-BV-1 (Retail Priority Sites Commercial Zone 1). The regulatory framework of D-BV-1 ensures that larger sites and

²⁷ City of Oakland, 2014. *Broadway Valdez District Specific Plan*. Adopted June.

opportunity areas are reserved primarily for new large-scale retail development that is oriented toward consumer goods, at least on the ground floor. A property that is zoned as D-BV-1 Retail Priority Site is allowed to include residential uses only if a project were to include a retail component of a certain size and type as further described below. The proposed project would be consistent with the regulatory framework of D-BV-1, as it would provide large-scale retail oriented toward consumer goods along the ground floor fronting the auto plaza on Broadway. The proposed project would include approximately 6,425 square feet of commercial uses.

- The project site is also within the 45* foot height area. In this area, height and density is limited by the amount of retail square footage provided by the proposed project. To exceed 45 feet in height, and to allow residential uses, projects must provide a minimum retail square footage of 50 percent of the lot area. Residential uses are conditionally permitted once the 50 percent retail uses threshold is met.
- The proposed project is located on one parcel out of five that comprise Retail Priority Site 3(c). Table LAN-1 (see Section 9, *Land Use, Plans, and Policies*) shows the square footages of each of the parcels contained within this Retail Priority Site. As shown in the table, the total amount of proposed/existing ground-floor retail is approximately 18,020 square feet, which is more than 50 percent of the total lot square footage (35,500 square feet). Therefore, the proposed project exceeds the Retail Priority Site requirements and would qualify for a CUP, allowing a building height of up to 85 feet and development of residential uses. Therefore, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR.
- Because the project achieves the 50 percent Retail Priority Site area threshold, the permitted FAR is 8.0 for the non-residential areas of the project site. The project site is approximately 6,253 square feet, and therefore the maximum non-residential FAR allowed would be 50,024 square feet. The proposed project would provide approximately 6,425 square feet of retail space and is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.
- Projects that satisfy the criteria for the Retail Priority Site area, as described above, are allowed a maximum base height of 85 feet and a maximum height of 200 feet. Because the proposed project would meet the Retail Priority Site area criterion, a maximum height of 200 feet would be allowed at the site. The proposed project would be six-stories tall and would not exceed 200 feet (i.e., at the top of the roof structure), as measured by the Building Department. Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP.
- With respect to residential density, the 45* foot height area allows for one dwelling unit per 125 square feet of retail use with a conditional use permit.²⁸ As noted above, the proposed project would provide up to 6,425 square feet of retail space. As such, the maximum residential density on the project site would be 51 dwelling units. The proposed project would construct up to 30 dwelling units. Therefore, the proposed project would comply with the amount of residential density allowed under the Planning Code and fits within the residential assumptions of the BVDSP EIR. Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR.

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.

²⁸ Per Table 17.101C.05 and Table 17.101C.06 of the Oakland Planning Code.

ATTACHMENT C

Infill Performance Standards, Per CEQA Guidelines Section 15183.3

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

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes The project site has been previously developed with commercial uses and adjoins existing urban uses, as described in the Project Description, above.
2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:	—
<i>2a. Performance Standards Related to Project Design.</i> All projects must implement all of the following:	—
Renewable Energy. <i>Non-Residential Projects.</i> All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. <i>Residential Projects.</i> Residential projects are also encouraged to include such on site renewable power generation.	The proposed project would not include 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 residential, the proposed project is not required to include on-site 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.	Yes Database searches of the State Water Resources Control Board (SWRCB) Geotracker (SWRCB, 2014) and the California Environmental Protection Agency Department of Toxic Substances Control (DTSC) Envirostor online databases (DTSC, 2014) were utilized to identify known environmental cases on the project site. The project site is not included on any of the data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements.

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

	CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
2. (cont.)	<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Yes</p> <p>Per the findings of the BVDSP EIR, an air quality screening was prepared for the proposed project. As described therein, no “high-volume roadways” with 100,000 vehicles per day, as defined by Section II of CEQA Appendix M, are located within 1,000 feet of the proposed project. However, the screening level analysis found that that the unmitigated cumulative health risks to the project’s sensitive receptors from existing and reasonably foreseeable future sources of TACs would exceed the City’s cumulative health risk thresholds for cancer risk and fine particulate matter (PM_{2.5}) concentration. The chronic hazard index (HI) would be less than the cumulative threshold.</p> <p>As summarized in the air quality screening prepared for the proposed project, compliance with SCA AIR-2 would reduce the impact to project receptors to a less than significant level.</p>
	<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.</p>	
	<p>Residential. A residential project must meet <u>one</u> of the following:</p> <p>A. <i>Projects achieving below average regional per capita vehicle miles traveled (VMT).</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p>B. <i>Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; <u>or</u></p> <p>C. <i>Low - Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Yes</p> <p>The proposed project is eligible under Sections (A) and (B).</p> <p>As summarized in the transportation and circulation section above, the proposed project is located in TAZ 972. The 2020 and 2040 VMT for TAZ 972, are 15 percent below the regional average</p> <p>The project site is well-served by multiple transit providers, including numerous Alameda-Contra Costa County Transit District (AC Transit) routes. The project site is also approximately 0.5 mile from the 19th Street Oakland Bay Area Rapid Transit (BART) station. Broadway qualifies as a “High Quality Transit Corridor,” as defined by Section II of CEQA, with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway near the project site, and has service intervals no longer than 15 minutes during peak commute hours. Other bus routes in the project vicinity further satisfy this criterion.</p>
	<p>Commercial/Retail. A commercial/retail project must meet <u>one</u> of the following:</p> <p>A. <i>Regional Location.</i> A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; <u>or</u></p> <p>B. <i>Proximity to Households.</i> A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Not Applicable</p> <p>According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this Section that apply to the predominant use shall govern the entire project.” Because the predominant use is residential, the requirements for commercial/retail projects do not apply.</p>

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>2. (cont.) Office Building. An office building project must meeting one of the following:</p> <p>A. <i>Regional Location.</i> Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or</p> <p>B. <i>Proximity to a Major Transit Stop.</i> Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	Not Applicable
<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	Not Applicable
<p>Transit.</p> <p>Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	Not Applicable
<p>Small Walkable Community Projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (f)(5), that implement the project features in 2a above are eligible.</p>	Not Applicable
<p>3.</p> <p>Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5).</p> <p>(CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes</p> <p>(see explanation below table)</p>

NOTE:

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

Explanation for Eligibility Criteria 3

The adopted Plan Bay Area (2013) serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375.²⁹ As defined by the Plan, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. As stated in the BVDSP, the Broadway Valdez District is considered a PDA. The proposed project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the BVDSP and described further below.

The General Plan land use designation for 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.

Under the adopted BVDSP, the project site is zoned Broadway Valdez District Retail Priority Sites Commercial Zone 1 (D-BV-1), Retail Priority Site 3C. The proposed project would be consistent with the regulatory framework of D-BV-1, which ensures that larger sites and opportunity areas are reserved primarily for new, large-scale retail development that is oriented toward consumer goods, at least on the ground floor. A property that is zoned as D-BV-1 Retail Priority Sites is allowed to include residential uses only if a project were to include a retail component of a certain size and type.

The project site is located within the 45* height area, which generally limits building heights to 45 feet, but does allow increased building heights if applicable retail criteria are met. The base height for the project site would be 85 feet if the project provides 50 percent of the Retail Priority Site area with retail, with a maximum height of 200 feet. As stated in Section 9, Land Use, the proposed project would provide 103 percent of the Retail Priority Site area with retail; therefore, the project can be up to 200 feet in height, in conformance with the height limit on the site. The proposed building would be six stories tall and would not exceed 200 feet (i.e., at the top of the roof structure). The proposed project would be a maximum of up to 85 feet in height (including roof parapet), and would be compliant with the 200-foot height limit gained through the residential bonus, as measured at grade.

Under the adopted BVDSP, the maximum residential density (i.e., square feet of lot area required per dwelling unit) is based on the zoning height area. The 45* height area allows for one dwelling unit per 125 square feet of retail use with a conditional use permit when the minimum retail criteria are met. The proposed project would provide up to 6,425 square feet of retail space. As such, the maximum residential density on the project site would be 51 dwelling units. The proposed project would construct up to 30 dwelling units.

²⁹ Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013.

For mixed-use projects in Retail Priority Site zones, the maximum non-residential floor area ratio (FAR) is based on the total lot area, and any square footage allotted or occupied by residential uses is included in the lot area calculation. The permitted FAR is 8.0 for the non-residential areas of the project site. The project site is approximately 6,253 square feet, and therefore the maximum non-residential FAR allowed would be 50,024 square feet. The proposed project would provide approximately 6,425 square feet of retail space and is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.

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ATTACHMENT D

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

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

Project Modifications

The Broadway Valdez District Specific Plan (BVDSP) EIR analyzed the Development Program (Development Program), which represents the maximum feasible development that the City of Oakland has projected can reasonably be expected to occur in the BVDSP area (Plan Area) over a 25-year planning period.³⁰ The proposed project would provide quantities of dwelling units and commercial space that are within the parameters contemplated for Valdez Triangle Subdistrict 3, as indicated in Table 4.13-7 of the BVDSP EIR.³¹ Subdistrict 3 calls for 40 residential units; 30 residential units would be built by the proposed project. The proposed project’s 6,425 square feet of commercial use would be well below the 251,398 square feet identified in the Development Program for Subdistrict 3.

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

³⁰ In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 parking spaces provided by the development program, and approximately 4,500 new jobs.

³¹ Subdistrict 3 is defined in the BVDSP as the area north of 24th Street, west of Valdez Street, and south of 27th Street.

As described in Section 13, *Transportation and Circulation*, of this CEQA Checklist, the proposed project would generate 5 AM and 15 48.

Trips generated by the proposed project, together with the trips generated by other projects that are currently under construction, approved, and proposed for development in the Plan Area, would represent approximately 50 percent of the AM peak-hour trips and 48 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the entire Plan Area. The combined trip generation for the projects under construction, approved, and proposed within the Valdez Triangle Subarea would represent approximately 85 percent of the AM peak-hour trips and 68 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the Valdez Triangle Subarea because the non-residential development would continue to remain within the envelope of the Development Program analyzed in the BVDSP EIR. Trips generated by the proposed project, together with the trips generated by other projects that are currently under construction, approved, and proposed for development in Subdistrict 3 would represent approximately 91 percent of the AM peak-hour trips and 61 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 3. The traffic impact analysis presented in the EIR continues to remain valid, and the trip generation from the proposed project combined with other projects currently being developed under the BVDSP would be within the program analyzed under the BVDSP EIR for the Plan Area, the Valdez Triangle, and Subdistrict 3.

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

Conditions for Addendum

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

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

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

Project Consistency with Section 15162 of the CEQA Guidelines

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

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

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

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APPENDIX A

Health Risk Assessment

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APPENDIX B

Air Quality and Greenhouse Gas Emissions Detail

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