

3403 Piedmont Avenue Revised Project

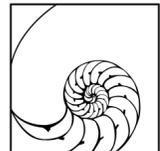
Assessment of Project Changes and Continued Applicability of the 2022 CEQA Analysis

Under the 2014 Broadway Valdez District Specific Plan EIR (SCH#2012052008)



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I. Project Characteristics

- 1. Project Title:** 3403 Piedmont Avenue Revised Project
- 2. Lead Agency Name and Address:** City of Oakland
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Oakland, CA 94612
- 3. Contact Person and Phone Number:** Neil Gray, Planner IV
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- 4. Project Location:** 3403 Piedmont Avenue
Oakland, CA
Assessor's Parcel Numbers: 009-0732-005-02, 009-0732-006-00
- 5. Project Sponsors' Name and Address:** 3400 Broadway LLC.
411 2nd Street
Oakland, CA 94607
- 6. Existing General Plan Designations:** Community Commercial
- 7. Existing Zoning:** Mixed Use Boulevard Zone (D-BV-3)
- 8. Requested City Approvals:** Revision to the 2022 Regular Design Review approval (including Affordable Housing Density Bonus with concessions/incentives for reduced open space), Tentative Parcel Map for a lot merge (approved through 2022 entitlements), and revision of the CEQA determination.

II. Background and Standard Conditions of Approval

Background

In 2014, the City adopted and approved the Broadway-Valdez District Specific Plan (BVDSP or Plan). The BVDSP Environmental Impact Report (EIR)¹ analyzed the 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 CEQA review of reasonably foreseeable development. This allows the use of CEQA streamlining and/or tiering provisions for projects that are developed under the BVDSP.

In March 2022, the project at 3403 Piedmont Avenue was assessed in a CEQA Analysis for consistency with the BVDSP EIR. The project was approved and the CEQA Analysis was filed under CEQA Guidelines 15183.3 as a qualified infill project consistent with the BVDSP and associated EIR and is referred to in this document as the “2022 Project”.

Since the filing of the CEQA Analysis, The City of Oakland has updated the Planning Code, allowing an increased height of 95 feet (revised from 85 feet) and an increased density of residential units, allowing 1 unit for every 200 square feet of lot area (revised from 275 feet). The applicant has proposed some changes to the approved 2022 Project, which would raise the height of the building and add an additional 32 residential units to the mixed-use building and eliminate parking, as more fully described under the Revisions to the Project header below. The revised project assessed in this document is referred to as the “2024 Project”.

Standard Conditions of Approval

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

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—e.g., SCA AIR-1, SCA AIR-2. The SCA title is also provided—e.g., SCA AIR-1: *Construction-Related Air Pollution (Dust and Equipment Emissions)*, and these have been updated to reflect the current titles per the City’s

¹ Environmental Science Associates (ESA), 2013 and 2014. *Broadway Valdez District Specific Plan, Draft Environmental Impact Report and Responses to Comments and Final EIR*. SCH No. 2012052008. These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza, #3115, or online at <https://www.oaklandca.gov/topics/broadway-valdez-district-specific-plan>.

master-list as necessary. Finally, the current City master-list SCA numbering is included though it should be noted that this numbering can change as SCAs are added or deleted.

Consistent with the requirements of CEQA, a determination of whether the project would have a significant impact assumes implementation of required SCAs. Attachment A in the 2022 Project includes the complete Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) consisting of updated SCAs and relevant mitigation measures from the Prior EIR. The 2024 Project requires minor revisions to the SCAMMRP from the 2022 Project due to a City update to the SCAs and two SCAs no longer applying to the revised project. See Summary of Analysis subsection for details.

As noted above, the SCAs are regularly updated and are not all the same as when the Prior EIR was completed. The 2022 Project considered the current SCAs and determined whether they were functionally equivalent to mitigation or SCA requirements from the Prior EIR.

III. Purpose of this CEQA Document

The purpose of this document is to demonstrate that subsequent CEQA review would not be required for the 2024 Project and that the determination for the 2022 Project under CEQA Guidelines Section 15183.3 would remain valid for the 2024 Project.

The California Environmental Quality Act (CEQA) Guidelines Section 15162 provides the following guidance for determining when additional environmental review is required:

- (a) When an EIR has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (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.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

This document also assesses the applicability to the 2024 Project of the CEQA streamlining and/or tiering code sections identified for the 2022 Project. Each of the following CEQA streamlining and/or tiering code sections were determined in the 2022 CEQA Analysis to separately and independently provide a basis for CEQA compliance. The 2022 Project was approved with CEQA compliance as a Qualified Infill Exemption under CEQA Guidelines Section 15183.3.

Community Plan Exemption. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects 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 additional EIR need not be prepared for the project solely on the basis of that impact.”

Qualified Infill Exemption. Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area and on a site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter, able to satisfy the performance standards provided in 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.

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

IV. Project Description

Project Location

The project site is located at 3403 Piedmont Avenue on the northeast corner of the triangular block bounded by Broadway to the west, Piedmont Avenue the southeast, and I-580 to the north, as shown in **Figures 1 and 2**. The site consists of two parcels (APN 009-0703-005-02 and 009-0732-006-00). The project site is in the Broadway Auto Row neighborhood, north of Uptown Oakland and south of Kaiser Medical Center. The site is in the Broadway Valdez District Specific Plan Area, North End Subarea, subdistrict 5.

Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 51A, 57, 800, and 851. The MacArthur Bay Area Rapid Transit District (BART) station is approximately 0.65-mile northwest of the site, and the 19th Street BART station is approximately 1 mile south of the site. The project site is approximately 1.5 miles away from the Downtown Oakland city center (Broadway and 14th Street) and is also in close proximity to several major medical centers and the Piedmont Avenue commercial/retail district. The project site is accessible from Interstate 580 (I-580), approximately 20 feet to the north, and Interstate 980, approximately 2,600 feet to the west.

Proposed Project

The proposed project would demolish the existing one-story building and a portion of the parking lot and clear the site. The project site would be redeveloped with new residential construction consisting of 105 studio and one-bedroom residential units in a 61,054 square foot 8-story building that reaches 92-feet, 10.5 inches tall.

The site plans, typical floor plans, and elevations are shown in **Figures 3 through 9**.

The ground floor frontage along Piedmont Avenue would include a small-format commercial space with a square footage of 950. These commercial spaces would be appropriate for light duty services, retail and/or food services that do not require a full kitchen, such as a café, sandwich shop, gym/exercise studio, and/or kiosk-type retail. The ground floor would also include an amenity space, the residential lobby, storage, stairs and elevator, as well as building utilities and maintenance. Residential apartments would be located on floors two through eight.

An entrance on Piedmont Avenue would provide vehicular access to the loading area for the Sawmill Building.

The project approvals would rely on the State Density Bonus Law (California Government Code Sections 65915-65918), which requires approval of additional housing units and incentives/concessions when affordable housing is included. The project is currently proposing that a total of 29 units would be deed-restricted as affordable units. Note that the law allows for different density bonuses depending on the level of affordability. The current proposal is presented for informational purposes but the level and number of affordable units within the same overall total number of housing units could change consistent with the State Density Bonus Law without it affecting this environmental analysis.

The project proposes to provide approximately 2,005 square feet of group open space consisting of 389 square feet of fenced open space at the ground level, a 365 square foot deck on the seventh floor, and a 1,251 square foot roof deck. It would also provide 880 square feet of private open space balconies for some units, for a total of 2,885 square feet of open space. This is less than the 7,440 square feet of open space required for 105 units; the applicant is requesting the reduced open space area as a concession/incentive under the State Density Bonus Law.

The project does not propose any on-site vehicle parking spaces, consistent with Assembly Bill No.2097 (CA AB-2097), which disallows parking minimums within a half mile of a major transit stop. The project would provide 28 long-term bicycle parking spaces in pocket shelters behind the building and 10 short-term bicycle spaces.

Sidewalk/streetscape improvements would be installed as part of the proposed project, consistent with the BVDSP Public Realm Design Guidelines for Streetscape Design. Improvements would include repaving the street and sidewalk along the project's Piedmont Avenue frontage, planting four new street trees, and installing short-term bicycle parking along the sidewalk.

Project Construction

Demolition of the existing structure and grading of the site is expected to take approximately four weeks. Grading and foundation work would follow for approximately six weeks, and then above-grade construction would occur lasting approximately 12 months; the entire construction period is expected to last approximately 15 months.

The sidewalk on the Piedmont Avenue frontage would be closed for the duration of the construction period, and a walking lane would be diverted into the existing parking spaces on the street. The bike lane would remain in place. For a four-week period of off-site utilities and infrastructure, parts of the street would be closed off intermittently during construction hours and flaggers would be used to direct traffic.

No substantial excavation or subsurface floors are proposed and grading would be limited to evening the generally flat site surface and improving utilities. The existing site is almost fully covered by the existing buildings and asphalt surface parking. The applicant estimates earthwork quantities of 146 cubic yards of soil would be cut, 23 cubic yards of which would be used as fill on-site, resulting in a net of 123 cubic yards of soil that would be off-hauled from the site. Groundwater depths at the site are between 18 to 20 feet, and therefore dewatering during construction is not expected to be required. The project's engineers concluded that the proposed project can be constructed with a foundation consisting of deepened footings and no pile driving is proposed.

Comparison of the 2024 Project to the 2022 Project Analyzed in the 2022 CEQA Analysis

The 2024 Project site remains the same approximately 0.4-acre site located at 3403 Piedmont Avenue, in the City of Oakland. The general purpose and description of the project remains the same, being demolition of an existing commercial building and development of one eight-story mixed-use residential building with the same building footprint as the 2022 Project, and landscaping improvements. The main changes to the 2024 Project are summarized below and a more detailed comparison is provided in **Table 1**.

1. An increase in proposed residential units from 73 to 105 by increasing square footage, reducing the size and bedroom count of the units, and adding a mezzanine level to the 8th floor.
2. A reduction in the number of proposed on-site parking spots from 27 to zero.
3. Reorganization of the proposed ground floor commercial space and amenities.
4. Revisions to interior floorplans to accommodate the above, which would also require minor adjustments to exterior massing and window placements.

The proposed project would no longer require an emergency generator, per the applicant, due to the addition of a firewall horizontal exit that bisects the building in half.

Table 1. Proposed Project Characteristics

PROJECT CHARACTERISTICS	2024 PROJECT	2022 PROJECT
Gross Floor Area*	61,054 square feet	52,515 square feet
Height	92 feet, 10.5 inches	85 feet
Ground-Floor Commercial Space	950 square feet	1,324 square feet
Total Dwelling Units	105	73
Studio	44 (42%)	28 (39%)
1-bedroom	61 (58%)	0
2-bedroom	0 (0%)	45 (61%)
Affordable Dwelling Units (included in above totals)	29	14
Parking Spaces - Cars	0	27
Parking Spaces - Car Share	0	3
Parking Spaces – Bicycles (Long-Term)	28	19
Parking Spaces – Bicycles (Short-Term)	10	4
Open space - Group	2,005 square feet	2,038 square feet
Open space – Private	880 square feet	0 square feet

Source: oWOW Design, LLC, dated 10/19/2021 and 8/5/2024

The change in the proposed residential unit count with a disproportionately smaller increase in building envelope would be achieved primarily through small changes to upper floor setbacks, reducing the size of the proposed units (both in square footage and bedroom count), and raising the height of the 8th floor to accommodate a mezzanine level for those units. As described above, the 2024 Project proposes more affordable units than the 2022 Project, and is consistent with the allowable density when calculated for the currently proposed affordable units under the State Density Bonus Law.

Project Approvals

The 2024 Project requires the following discretionary actions/approvals, including without limitation:

Discretionary Actions by the City of Oakland

City discretionary approvals include, but may not be limited to:

- Revision to the 2022 Regular Design Review approval (including Affordable Housing Density Bonus with concessions/incentives for reduced open space), Tentative Parcel Map for a lot merge (approved through 2022 entitlements), and revision of the CEQA determination.

Administrative/ministerial City permits required for the project include, but may not be limited to:

- Building permit and other related on-site and off-site construction work permits

Actions by Other Agencies

- East Bay Municipal Utility District (EBMUD) – Approval of new service requests and new water meter installations.
- Regional Water Quality Control Board (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.

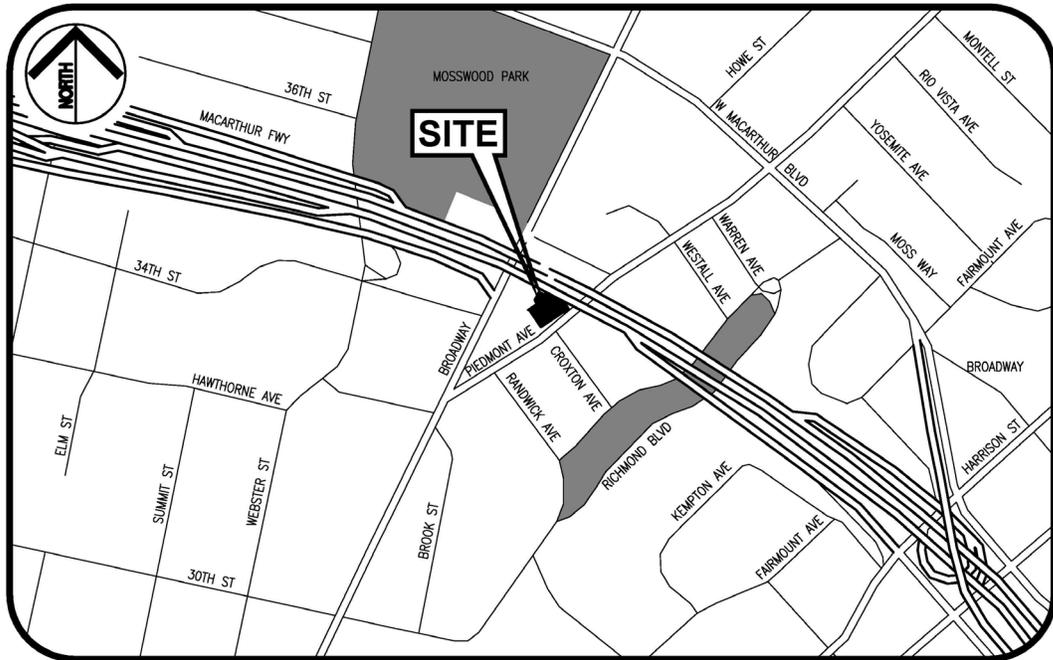


Figure 1. Project Location

Source: Project Plan Set dated 11/18/21



Figure 2. Project Context (looking southwest)

Source: Project Plan Set dated 8/5/2024



Figure 3. Site Plan (Ground Floor Plan)

Source: Project Plan Set, dated 8/5/2024



Figure 4. Floor Plan – Typical Levels 2 - 6

Source: Project Plan Set dated 8/5/2024



Figure 5. Floor Plan – Level 7

Source: Project Plan Set dated 8/5/2024



Figure 6. Floor Plan – Level 8
 Source: Project Plan Set dated 8/5/2024



Figure 7. Floor Plan – Roof Deck and Mezzanine Level

Source: Project Plan Set dated 8/5/2024



Figure 8. Southeast Elevation (Piedmont Avenue Frontage)

Source: Project Plan Set dated 8/5/2024



Figure 9. Northeast Elevation (along I-580)

Source: Project Plan Set dated 8/5/2024

V. Summary of CEQA Findings

Section VI: Environmental Analysis below provides substantial evidence that the 2024 Project falls within the environmental analysis and conclusions of the 2022 CEQA Analysis and that no subsequent CEQA review is required for the 2024 Project. This is confirmed by an assessment against the criteria for determining whether subsequent environmental review is required under CEQA Guidelines Section 15162, as follows:

- (1) While the 2024 Project has been revised from the 2022 Project, the changes would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) There are no changes in circumstances that would result in the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) There is no new information resulting in a new significant effect not discussed in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or a change in the feasibility (or acceptance) of mitigation measures.

Consistent with the conclusions in the 2002 CEQA Analysis, Section VI: Environmental Analysis below, combined with the analysis in the 2022 CEQA Analysis, provides substantial evidence that the 2024 Project, as separate and independent bases, continues to qualify for (1) an exemption per Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); (2) streamlining provisions of CEQA under Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for In-fill Projects),); and (3) an Addendum to the Broadway Valdez District Specific Plan EIR under Public Resources Code Section 21166 and CEQA Guidelines Section 15164 (Addendum to an EIR). This is further detailed by the supporting statements below.

The 2024 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 EIR. Therefore, consistent with conclusions for the 2022 Project, the 2024 Project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

The 2024 Project is a qualified infill project and 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. Therefore, consistent with conclusions for the 2022 Project, the effects of the 2024 Project have been addressed in the BVDSP EIR, and no further environmental documents are required, in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.

The analyses conducted and the conclusions reached in the BVDSP EIR 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 2024 Project modifications. Consistent with

conclusions for the 2022 Project, the 2024 Project would not cause new significant impacts that were not previously identified in the EIR or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to the circumstances surrounding the original project that would cause significant environmental impacts to which the 2024 Project would contribute considerably, and no new information has been put forward that shows that the 2024 Project would cause significant environmental impacts. Therefore, consistent with conclusions for the 2022 Project, no supplemental environmental review is required and the project and an addendum to the BVDSP EIR could be relied upon for CEQA clearance of the 2024 Project, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15164.

VI. Environmental Analysis

Summary of Analysis

As described above, the 2024 Project revises some details of the approved 2022 Project.

As demonstrated in this section, the 2024 Project is consistent with the analysis and impacts conclusions for the 2024 Project. Standard Conditions of Approval and Mitigation Measures that were applicable to the 2022 Project are applicable to the 2024 Project without revision as included in full in Attachment A, except that SCA AIR-5: *Stationary Sources of Air Pollution (Toxic Air Contaminants)* would no longer be applicable as the project would no longer require an emergency generator, and SCA TRA-5: *Plug-In Electric Vehicle (PEV) Charging Infrastructure* would no longer be applicable as on-site parking is no longer proposed. The City has adopted an updated list of SCAs since the 2022 CEQA Analysis, and one additional SCA would be applicable to the Project, SCA BIO-2: *Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings*. All SCAs have been renumbered and/or renamed consistent with the current SCA list.

Aesthetics, Shadow, and Wind

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to aesthetics, shadow, and wind. Mitigation Measures AES-4, AES-5, and AES-6 from the BVDSP EIR did not apply because the project site is outside the applicable impact areas, and SCAs related to landscaping and landscape maintenance, blight control, and lighting plans were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2024 Project is in the same location on the same site. The 2024 Project proposes minor increases in the development envelope, resulting in an additional 8 feet of height and reduced setbacks on levels 7 and 8 compared to the 2022 Project. Consistent with the 2022 CEQA Analysis, the 2024 Project's height (less than 100 feet) and location would not require a wind study. The minor changes to the massing of the 2024 Project would not affect 2022 CEQA Analysis conclusions related to shadow due to the distance to and intervening buildings between the project and existing solar collectors (on top of structures at least 250 feet away) and public parks (about 400 feet away or more).

The 2024 Project would modify some external massing and window placement compared to the 2022 Project, but would be consistent with conclusions of the 2022 CEQA Analysis which determined that there were no views considered scenic or unique (as defined by CEQA), no visual access to protected scenic resources (as defined by the General Plan) that could be obstructed by the project, and that the project would be consistent with BVDCP requirements related to compatible visual character. The 2024 Project would still be subject design review to ensure consistency with the Design Guidelines in the BVDSP EIR and to ensure that the new design would continue to be compatible with the existing built form and architectural character of the area. The 2024 Project would continue to be required to comply with SCAs related to landscaping and landscape maintenance, blight control, and lighting plans, as included in full in Attachment A (SCA AES-1: *Trash and Blight Removal*, SCA AES-2: *Graffiti Control*, SCA AES-3: *Landscape Plan*, and SCA AES-4: *Lighting*). BVDSP EIR Mitigation Measures AES-4, AES-5, and AES-6 would not apply to the

2024 Project, because the project site is not within the impact areas, just as they did not apply to the 2022 Project.

The 2024 Project would not substantially increase the severity of impacts related to aesthetics, shadow, or wind compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to aesthetics, shadows, or wind that were not identified in the BVDSP EIR.

Air Quality

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to air quality. Recommended Measure AIR-1 from the BVDSP EIR, requiring the use of prefinished materials and colored stucco as feasible, applied, and SCAs related to air quality were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

With an increase in square footage of approximately 8,500 square feet, construction emissions would be substantially the same as the 2022 Project and there would be no changes to the conclusions related to construction emissions. The 2024 Project would be required to implement the same SCAs related to air quality during construction that were applicable to the 2022 Project, as included in full in Attachment A (SCA AIR-1: *Dust Controls- Construction-Related*, SCA AIR-2: *Criteria Air Pollutant Controls - Construction and Operation Related* [formerly titled *Criteria Air Pollutant Controls- Construction-Related*], SCA AIR- 3: *Toxic Air Contaminant Controls - Construction Related* [formerly titled *Diesel Particulate Matter Controls-Construction Related*]). As there is no change in location from the 2022 Project, there would be no substantial changes to sensitive receptors near the project site.

The 2024 Project would still require demolition of the existing commercial building and would therefore not change the need for the SCA related to asbestos in structures (SCA AIR-6: *Asbestos in Structures*) as included in full in Attachment A.

The applicant states that with the addition of a firewall horizontal exit, the 2024 Project would no longer require the emergency generator as discussed in the 2022 CEQA Analysis, and would not be subject to the SCA related to new operational sources of toxic air contaminants (TACS) (SCA AIR-5: *Stationary Sources of Air Pollution (Toxic Air Contaminants)*). If it is later determined that the project requires an emergency generator, this SCA would be required.

An increase of 73 residential units to 105 residential units would theoretically cause an increase in daily trips, however with no onsite parking provided under the 2024 Project, it is more likely that building residents would predominately use other modes of transportation than private vehicles. However, even given worst-case daily trip increases based only on unit counts (see Transportation discussion, below), the 2024 Project would still be within the allowable site density and within the operational emissions accounted for in the BVDSP EIR. The 2024 Project would remain all-electric as described in the 2022 Project and would therefore not increase natural gas usage for building operations.

The 2024 Project would not substantially increase the severity of impacts related to air quality compared to the 2022 Project and would therefore not substantially increase the severity of the

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.

Non-CEQA Discussion of Health Risks to the Project

With the same project location, there would be no substantial change in the distance of proposed residential units from sources of community risk, and therefore no change to the Community Risk Assessment completed for the 2022 Project as a requirement of SCA AIR-4: *Reduce Exposure to Air Pollution (Toxic Air Contaminants)* [formerly titled *Exposure to Air Pollution (Toxic Air Contaminants)*], nor to the conclusions of that assessment. The 2024 Project is in the same location, and without mitigation, residents on the second-floor level would still be exposed to levels of cancer risk and fine particulate matter (PM2.5) concentrations above thresholds due to the proximity of I-580. As further required by SCA AIR-4, the 2024 Project would need to incorporate the control features that were identified for the 2022 Project, including HVAC systems with high efficiency diesel particulate filters, or MERV 13 filters, included in the ventilation design for the second floor, along with weatherproofed windows and doors, installation of passive electrostatic filtering systems, and adoption of a maintenance plan for the HVAC and air filtration systems.

Biological Resources

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to biological resources. The SCA related to tree protection during construction was determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2024 Project is in the same location on the same site, and therefore there would be no change in impacts to special-status species, sensitive habitats, and wildlife corridors, which do not occur on the site. The 2024 Project would still be required to implement SCA Bio-1: *Tree Permit*, to protect the offsite trees on the north side of the project site, as included in full in Attachment A. The revisions to the project would not trigger the requirement for the SCA pertaining to reducing bird collisions, as the 2024 Project would still not be adjacent to a substantial water body or a substantially vegetated recreation area larger than one acre and also would not include a green roof or an existing or proposed vegetated area one acre or larger. Since the 2022 CEQA Analysis, the City has adopted SCA BIO-2: *Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings*, which is applicable to the demolition of structures that have been vacant for 14 contiguous days or more during the preceding maternity season of April 15 to August 15, and would be applicable to the 2024 Project.

The 2024 Project would not substantially increase the severity of impacts to biological resources compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to biological resources that were not identified in the BVDSP EIR.

Cultural and Tribal Cultural Resources

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to cultural resources. SCAs related to the discovery of archaeological and paleontological resources during construction and the discovery of human remains during

construction, were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The Historic Project Evaluation completed for the 2022 CEQA Analysis (included as Attachment F to that document) concluded that the existing building at 3405 Piedmont Avenue that was proposed for demolition is not a significant resource under CEQA and its removal would not be considered a significant impact and that remains true under the 2022 Project.

That evaluation also assessed the relationship of the proposed building to the historic auto dealership flatiron building at 3330-3360 Broadway/3301 Piedmont Avenue and determined that the 2022 Project would be consistent with the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) and therefore would not significantly impact the existing adjacent historic resource. The 2024 Project is in the same location on the same site as the 2022 Project, which is adjacent to the historic building at 3330-3360 Broadway/3301 Piedmont Ave. While there are some minor modifications to the massing and window placement of the 2024 Project compared to the 2022 Project, it would not change the compatibility of the design within its block and relative to the adjoining historic building, as demonstrated by the following statements:

- The massing and design of the proposed building's southerly facing wall is similar to the existing southerly wall of the 3400 Broadway building – i.e., similarly monolithic, enframed and light colored – so those paired walls will serve as a balanced backdrop to the gore-corner building at 3330-3360 Broadway/3301 Piedmont Avenue. (Relates to Standard 9)
- The base for the proposed building along the Piedmont Avenue frontage has been designed to maximize “active space” storefront windows and to relate to the height of the historic 3330-3360 Broadway/3301 Piedmont Avenue building. (Relates to Standard 9)
- The vertical rhythm of the Piedmont Avenue façade of the proposed new building has also been designed to relate to historic façades of the area and to the adjacent historic resource in particular. (Relates to Standard 9)
- As it will stand independent of existing buildings, including the historic 3330-3360 Broadway/3301 Piedmont Avenue building, were the proposed new construction removed in the future, the essential forms, elements, materials and spatial relationships of the historic resource and its setting would remain, so the integrity of the historic resource and its environment will not be impaired. (Relates to Standard 10)

Therefore, the 2024 Project would still meet applicable Standards (9 and 10) for the Treatment of Historic Properties and there would be no change in the conclusion of no significant impact on the adjacent historic building at 3330-3360 Broadway/3301 Piedmont Ave.

At the request of a tribal representative concerned about the potential for underground tribal cultural resources at the site, a Subsurface Survey (Attachment H to the 2022 CEQA Analysis) using ground penetrating radar was completed and did not identify any features likely to be associated with Native American resources or remains, and no further tribal consultation was recommended or requested. The 2024 Project is on the same site and would not require more subsurface disturbance than was planned for the 2022 Project, and therefore the prior subsurface surface survey and conclusions would remain applicable and there would be no change to the analysis or impacts for archaeological, paleontological, human remains, or tribal cultural resources. The 2024 Project would still be required to implement SCA-CUL-1: *Archaeological and Paleontological Resources – Discovery*

During Construction and SCA-CUL-2: *Human Remains – Discovery During Construction*, to address the potential for unanticipated discovery, as included in full in Attachment A.

The 2024 Project would not substantially increase the severity of impacts to cultural and tribal cultural resources compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to cultural and tribal cultural resources that were not identified in the BVDSP EIR.

Geology, Soils, and Geohazards

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to geology, soils and geohazards. The SCAs related to construction-related permits and submission of a soils report were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2024 Project is in the same location on the same site as the 2022 Project, and therefore there would be no change in the seismic hazards or soil conditions to be taken into account for the design and construction of the 2024 Project compared to the 2022 Project. The 2024 Project would still be required to implement SCA GEO-1: *Construction -Related Permit(s)* and SCA GEO-2: *Soils Report*, which require appropriate design and process given site conditions, as included in full in Attachment A.

The 2024 Project would not substantially increase the severity of impacts related to geology and soils compared to the 2022 Project and would therefore not substantially increase the severity of the 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.

Greenhouse Gas and Climate Change

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to greenhouse gas (GHG) and climate change. The SCA related consistency with the City’s Energy and Climate Action Plan (ECAP) was determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2024 Project remains consistent with the City’s ECAP and would be required to implement SCA GHG-1: *Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist* requiring implementation of applicable ECAP measures, as included in full in Attachment A. The project applicants have completed a revised ECAP Consistency Checklist, which answers affirmatively to all applicable Checklist questions, meaning that the 2024 Project fully intends to comply with the City’s 2030 ECAP, and would incorporate all applicable 2030 ECAP Consistency Checklist items into the project’s design, construction, and operation. The updated ECAP Consistency Checklist and respective applicant answers for the 2024 Project are provided in **Table 2**.

Table 2. ECAP Consistency Checklist

Yes No

- 1. For residential and mixed-use development, if the project is located on a parcel designated in the City of Oakland Housing Element as a Housing Inventory Site, is the proposed project a majority residential use (at least two-thirds of the square footage

utilized for residential purposes) with either i) a minimum residential count no less than seventy-five percent of the realistic capacity designated for the site or ii) a minimum density of 30 dwelling units/acre?

Applicant Response: The project site is designated in the Housing Element as a Housing Inventory Site. The project is majority residential (98.4% residential) and over the base density designation through use of the State Density Bonus.

Yes No

- 2. For developments in “Transit Accessible Areas” as defined in the Planning Code, would the project provide less than the following off-street parking: For Residential Activities, less than one parking space per dwelling unit? For Commercial Activities, less than one parking space per 600 square feet of floor area on the ground floor and one parking space per 1,000 square feet of floor area on other floors?

Applicant Response: Project has access to a BRT lane on Broadway within less than 1/4 mile. The Project proposes zero parking.

Yes No

- 3. For projects including structured parking, would the structured parking be designed for future adaptation to other uses? (Examples include, but are not limited to: the use of speed ramps instead of sloped floors)

Applicant Response: The project proposed zero parking.

Yes No

- N/A 4. For projects that are subject to a Transportation Demand Management Program, would the project include transit passes for employees and/or residents?

Applicant Response: The project will generate less than 50 new trips during any peak hour, per Oakland's guidelines for traffic analysis, using standard ITE rates and the City's reductions for alternative mode shares. The project is also adjacent to a main freeway and a BRT lane on Broadway. It is anticipated that the project will not require a TDM program.

Yes No

- 5. For projects that are not subject to a Transportation Demand Management Program, would the project incorporate one or more of the optional Transportation Demand Management measures that reduce dependency on single-occupancy vehicles? (Examples include but are not limited to transit passes or subsidies to employees and/or residents; carpooling; vanpooling; or shuttle programs; on-site car-share program; guaranteed ride home programs)

Applicant Response: The project proposes zero parking.

Yes No

- N/A 6. Does the project comply with the Plug-In Electric Vehicle (PEV) Charging Infrastructure requirements (Chapter 15.04 of the Oakland Municipal Code), if applicable?

Applicant Response: The project proposes zero parking.

Yes No

- 7. Would the project reduce or prevent the direct displacement of residents and

essential businesses? (For residential projects, would the project comply with SB 330, if applicable? For projects that demolish an existing commercial space, would the project include comparable square footage of neighborhood serving commercial floor space)

Applicant Response: The project will demolish a small vacant commercial building of 2,475 SF and is proposing 950 SF of commercial square footage, but in-turn is providing 105 new housing units with 29 that are affordable housing.

Yes No

- 8. Would the project prioritize sidewalk and curb space consistent with the City's adopted Bike and Pedestrian Plans? (The project should not prevent the City's Bike and Pedestrian Plans from being implemented. For example, do not install a garage entrance where a planned bike path would be, unless otherwise infeasible due to Planning Code requirements, limited frontage or other constraints)

Applicant Response: The project does provide 1 entrance to loading for commercial and residential, but this is the only area that would interrupt the bike lane from time to time. This is a required infrastructure item with no other way to get trucks into and out of the site. However, it is reduced to the smallest increment. The ground floor facades are all storefront glazing, other than the parking entrance, in order to fully screen the loading from the pedestrian experience. Street trees, and landscaping will be maxed out to provide a better walking pedestrian experience as well.

Yes No

- 9. Does the project not create any new natural gas connections/hook-ups?

Applicant Response: The proposed design does not include any gas meters or hook-up to relate to the City Council approval of no natural gas on all newly constructed buildings that have not received planning approval prior to December 2020.

Yes No

- 10. Does the project comply with the City of Oakland Green Building Ordinance (Chapter 18.02 of the Oakland Municipal Code), if applicable?

Applicant Response: The proposed design includes all applicable green building requirements as included in the project submission. The new residential units above will comply with all Green Point Rating requirements. These both meet the Chapter 18.02 requirements.

Yes No

- N/A 11. For retrofits of City-owned or City-controlled buildings, would the project be all-electric, eliminate gas infrastructure from the building, and integrate energy storage wherever technically feasible and appropriate?

Applicant Response: This property is not city owned or controlled.

Yes No

- 12. Would the project reduce demolition waste from construction and renovation and facilitate material reuse in compliance with the Construction Demolition Ordinance (Chapter 15.34 of the Oakland Municipal Code)?

Applicant Response: Yes, this project complies and will be providing a minimum of 75% C&D Waste Diversion (Including Alternative Daily Cover).

Yes No

N/A 13. For City projects: Have opportunities to eliminate/minimize fossil fuel dependency been analyzed in project design and construction?

Applicant Response: This is not applicable because this is not a City-owned Project.

Yes No

N/A 14. For new projects in the Designated Very High Wildfire Severity Zone: Would the project incorporate wildfire safety requirements such creation of defensible space around the house, pruning, clearing and removal of vegetation, replacement of fire-resistant plants, as required in the Vegetation Management Plan?

Applicant Response: Project is not in the designated very High Wildfire Severity Zone so this is not applicable.

Yes No

■ 15. Would the project replace a greater number of trees than will be removed in compliance with the Tree Preservation Ordinance (Chapter 12.36 of the Oakland Municipal Code) and Planning Code if applicable and feasible given competing site constraints?

Applicant Response: The project is removing no trees and will be adding 4 trees, which is the max that can be added per Oakland's Street tree guidelines.

Yes No

■ 16. Does the project comply with the Creek Protection, Stormwater Management and Discharge Control Ordinance (Chapter 13.16 of the Oakland Municipal Code), as applicable?

Applicant Response: The project complies with all stormwater management discharge controls and the project qualifies as an unregulated site since it alters less than 10,000 SF of impervious area.

Source: Applicant

The 2024 Project remains consistent with applicable ECAP requirements and therefore would not substantially increase the severity of impacts related to GHG and climate change compared to the 2022 Project and 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.

Hazards and Hazardous Materials

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to hazards and hazardous materials. The SCAs related to hazardous materials used during construction and hazardous building materials were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2022 CEQA Analysis concluded that the site contained no known soil or groundwater contamination, is not included on any lists of hazardous materials sites compiled pursuant to Section 65962.5 of the Government Code, and is not located within one-quarter mile of a school. The 2024 Project is in the same location on the same site as the 2022 Project and is still not any lists of

hazardous materials sites compiled pursuant to Section 65962.5 of the Government Code;² therefore there would be no change in the impact related to hazardous materials sites or impacts on nearby schools.

As under the 2022 Project, construction and operation of a mixed-use building would involve the routine transportation, use, and storage of common hazardous materials, such as fuels, lubricants, paints, and cleaning products. The 2024 Project would be required to comply with the same applicable laws and regulations related to transportation, use, and storage of all hazardous materials and temporary road closures during construction as the 2022 Project would be required to comply with. The 2024 Project would also still be required to implement SCA HAZ-1: *Hazardous Materials Related to Construction* and SCA HAZ-2: *Hazardous Building Materials and Site Contamination*, to ensure proper handling of hazardous construction materials, including the potential for asbestos in the existing building to be removed, as included in full in Attachment A.

The 2024 Project would not substantially increase the severity of impacts related to hazards and hazardous materials compared to the 2022 Project and would therefore not substantially increase the severity of the 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.

Hydrology and Water Quality

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to hydrology and water quality. The SCAs related to stormwater, drainages and drainage patterns, and water quality were determined to be applicable to the project. As detailed below, the 2024 Project would not change these impacts.

The 2022 CEQA Analysis concluded that the 2022 Project was not within flood hazard zones. The 2024 Project is located at the same site, and the conclusion that there would be no impacts with respect to flood hazards would remain the same.

As under the 2022 Project, proposed grading would be limited to surface preparation and utility work on an already flat site and the proposed improvements would represent replacement of less than 10,000 square feet of existing impervious surfaces with new impervious surfaces, and would not be considered a regulated project under the C.3 provisions of the National Pollutant Discharge Elimination System Municipal Regional Permit (Order R2-2009-0074, NPDES Permit No. CAS612008). As with the 2022 Project, if that determination changes, different SCAs than those listed subsequently would apply. The 2024 Project would therefore have the same conclusions related to water quality, groundwater, and runoff as the 2022 Project and would still be required to implement SCA HYD-1: *Erosion and Sedimentation Control Measures for Construction*, SCA HYD-2: *Site Design Measures to Reduce Stormwater Runoff*, SCA HYD-3: *Source Control Measures to Limit Stormwater Pollution*, and SCA HYD-4: *NPDES C.3 Stormwater Requirements for Small Projects*. Related SCAs are included in full in Attachment A.

² State Water Resources Control Board GeoTracker Database, website accessed 12/2/2024 at <http://geotracker.waterboards.ca.gov/>; Department of Toxic Substances Control EnviroStor Database, website accessed 12/2/2024 at <http://www.envirostor.dtsc.ca.gov/public/>.

The 2024 Project would not substantially increase the severity of impacts related to hydrology and water quality compared to the 2022 Project and would therefore not substantially increase the severity of the 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.

Land Use, Plans, and Policies

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to land use and planning. There were no identified SCAs or mitigation measures related to land use and planning in the BVDSP EIR. As detailed below, the 2024 Project would not change these impacts.

The 2024 Project would have the same land use as the 2022 Project, a mixed-use, residential building with commercial space along Piedmont Avenue. The 2024 Project land use type remains unchanged and the proposed revisions to the floor plans and unit counts would not affect the project's compatibility with the General Plan land use designation and zoning. Since the 2022 CEQA Analysis, the maximum height allowed in the area of the project site has increased to 95 feet from the previous 85 feet. The 2024 Project would increase the project height from 85 feet to approximately 93 feet, which would be consistent with the updated land use plans and policies. Since the 2022 CEQA Analysis, the maximum density of residential units has increased, allowing 1 unit for every 200 square feet of lot area (revised from 275 feet). The project would be consistent with this zoning with the density bonus for affordable housing.

The 2024 Project would reduce the square footage of retail space on the ground floor but would continue to meet the code requirements for retail active space along Piedmont Avenue.

The 2024 Project would not substantially increase the severity of impacts related to land use and planning compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to land use and planning that were not identified in the BVDSP EIR.

Noise

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to noise and vibration. SCAs related to construction and operational noise and vibration were determined to be applicable to the project. As detailed below, the 2024 Project would not substantially change these impacts.

With an increase in square footage of approximately 8,500 square feet, construction noise would be substantially the same as the 2022 Project and there would be no changes to the conclusions related to construction noise. The 2024 Project would require the same construction phases and equipment as the 2022 Project and would be required to implement SCA NOI-1: *Construction Days/Hours*, SCA NOI-2: *Construction Noise*, SCA NOI-3: *Extreme Construction Noise*, SCA NOI-4: *Construction Noise Complaints*.to require compliance with applicable City of Oakland construction noise regulations and minimize the potential for impacts from construction noise.

The 2024 Project is in the same location on the same site as the 2022 Project, adjacent to the auto dealership flatiron building that is considered a significant historic resource under CEQA, and would therefore still be required to implement SCA NOI-5: *Vibration Impacts on Adjacent Structures or*

Vibration-Sensitive Activities to minimize and correct any potential construction vibration damage to the adjacent historic building.

An increase of 73 residential units to 105 residential units would theoretically cause an increase in daily trips and associated traffic noise; however, with no onsite parking provided under the 2024 Project, it is more likely that building residents would predominately use other modes of transportation than private vehicles. However, even given worst-case daily trip increases based only on unit counts (see Transportation discussion below), the 2024 Project would still be within the allowable site density and within the operational noise levels accounted for in the BVDSP EIR. The 2024 Project would still be required to implement SCA NOI-6: *Operational Noise*, which requires all operational noise to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. Related SCAs are included in full in Attachment A

The 2024 Project would not substantially increase the severity of impacts related to noise and vibration compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to noise and vibration that were not identified in the BVDSP EIR.

Non-CEQA Discussion of Noise Levels at the Project

Both the 2022 Project and 2024 Project propose new residences at the project site. SCA NOI-7: *Exposure to Community Noise* would continue to apply to the project, requiring a noise reduction plan to achieve an acceptable interior noise level for residential use. There would be no substantial changes to the Environmental Noise Study completed for the 2022 Project, nor to the conclusions of that study. As the 2024 Project is in the same location, without mitigation, residents on the second-, third-, and fourth-floor levels would still be exposed to noise levels above thresholds due to the proximity of I-580. The 2024 Project would need to incorporate the noise reduction features that were identified for the 2022 Project, including sound-rated windows and exterior partitions. As under the 2022 Project, the proposed rooftop open space at the 7th floor would be located on the western side of and shielded by the proposed building from the noise from the I-580 traffic. The 2024 Project is no longer proposing to install mechanical parking stackers as was planned for the 2022 Project, so there would be no concerns related to noise from mechanical parking stackers.

Population and Housing

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to population and housing. There were no identified SCAs or mitigation measures related to population and housing in the BVDSP EIR. As detailed below, the 2024 Project would not substantially change these impacts.

The 2024 Project is in the same location as the 2022 Project and would not demolish any housing or displace any residents.

The 2024 Project would add approximately 196 new residents compared to 137 new residents in the 2022 Project.³ The BVDSP EIR allowed for flexibility with respect to the quantity and type of future

³ Based on the population density from the BVDSP EIR of approximately 1.87 residents per dwelling unit.

development in its analysis, so the increase in residents would still be within the projections of the BVSPD and would remain consistent with Housing Element policies, and therefore would not be considered “unplanned” population growth.

The 2024 Project would not substantially increase the severity of impacts related to population and housing compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to population and housing that were not identified in the BVDSP EIR.

Public Services, Parks, and Recreation Facilities

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to public services, parks, and recreation. The SCA requiring payment of fees towards public service improvements was required to be implemented by the 2022 Project. As detailed below, the 2024 Project would not substantially change these impacts.

The BVDSP EIR acknowledged that increased density and residents could lead to increased demand for public serviced, parks, and recreation facilities, but that such increased demand would be addressed through compliance with applicable policies and payment of fees and would not result in significant environmental impacts. While the 2024 Project could result in additional residents than under the 2022 Project (see Population and Housing discussion above), the BVDSP EIR allowed for flexibility with respect to the quantity and type of future development in its analysis, and the proposed density remains within that allowable for the site, so the increase in residents would still be within the projections of the BVSPD and therefore within the analysis and conclusions with respect to public services, parks, and recreation facilities. The 2024 Project would still be required to implement SCA PUB-1: *Capital Improvements Impact Fee*, which would require payment of fees toward public service improvements. The project sponsor would pay school impact fees and adhere to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2 to mitigate the minor increase in demand for police and fire protection services.

The 2024 Project would increase the proposed open space, from 2,038 square feet under the 2022 Project to 2,885 square feet, which remains less than the 6,555 square feet required by the BVDSP and the Planning Code. The applicant is requesting the reduced open space area as a concession/incentive under the State Density Bonus Law, which was the same concession/incentive requested for the 2022 Project.

The 2024 Project would not substantially increase the severity of impacts related to public services, parks, and recreation compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to public services, parks, and recreation that were not identified in the BVDSP EIR.

Transportation

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to transportation. SCAs related to transportation and circulation impacts were determined to be applicable to the project. As detailed below, the 2024 Project would not substantially change these impacts.

Based on the number of residential units, the 2024 Project would generate more residential trips than the 2022 Project. Net new daily trips are estimated to increase from 251 to 362, with AM peak hour trips increasing from 16 to 24 and PM peak hour trips increasing from 20 to 29.⁴ The net new peak hour trips remain below 50, so the revisions in the 2024 Project would not trigger the requirement of a Transportation Demand Management Plan.

The 2024 Project is in the same location as the 2022 Project, which is located in Metropolitan Transportation Commission transportation analysis zone (TAZ) #972, with a projected average vehicle miles traveled (VMT) per capita of 7.07 miles in 2030 and 6.77 miles in 2040. Consistent with conclusions for the 2022 Project, because the location-specific VMT is at least 15 percent below the regional average of (which equates to a threshold of 12.24 miles in 2030 and 11.73 miles in 2040), the 2024 Project meets the map-based screening criteria for low VMT, and VMT impacts of the project are presumed to be less than significant based on this criteria.⁵

The 2024 Project does not propose any on-site vehicular parking spaces (compared to the 27 on-site vehicular parking spaces proposed for the 2022 Project), which would further encourage the use of non-automobile transportation modes, in alignment with The City General Plan, Public Transit and Alternative Mode policies and Complete Street policies.

As under the 2022 Project, the 2024 Project proposes one driveway connection to Piedmont Avenue. With no on-site parking proposed for the 2024 Project, this driveway would provide access solely for commercial and residential loading for this and the adjacent commercial building at 3400 Broadway. As with any driveway, there would be brief, intermittent interruption of the bicycle lane in front of the project when loading vehicles access the site via the driveway, and this would be lessened under the 2024 Project because of the removal of proposed on-site parking that would have used that driveway under the 2022 Project. As under the 2022 Project, the 2024 Project does not involve increases to roadway capacities.

The 2024 Project would still be required to implement applicable standard conditions related to transportation and circulation, including SCA TRA-1: *Construction Activity in the Public Right-of-Way*, requiring an obstruction permit and/or Traffic Control Plan for any temporary construction-related obstruction in the public right-of-way, SCA TRA-2: *Bicycle Parking*, requiring compliance with the City of Oakland bicycle parking requirements, and SCA TRA-3: *Transportation Impact Fee* requiring payment of City of Oakland Transportation Impact Fees pursuant to Chapter 15.74 of the Oakland Municipal Code. SCA TRA-5 *Plug-In Electric Vehicle (PEV) Charging Infrastructure*, requiring parking spaces with electrical vehicle charging, which was required for the 2022 Project, is no longer applicable to the 2024 Project, because on-site vehicle parking is no longer proposed. Related SCAs are included in full in Attachment A.

The 2024 Project would not substantially increase the severity of impacts related to transportation compared to the 2022 Project and would therefore not substantially increase the severity of the

⁴ Based on Institute of Transportation Engineers trip rates for Use 221: Mid-Rise Residential and City of Oakland Transportation Impact Review Guidelines non-vehicle mode share of 36.7% for projects between 0.5 and 1 mile of a BART station. Note that this calculation does not factor in the proposed lack of on-site parking, which would be likely to substantially reduce vehicle trips for Project residents.

⁵ <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=5dac76d69b3d41e583882e146491568b>

significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to transportation that were not identified in the BVDSP EIR.

Utilities and Service Systems

The 2022 CEQA Analysis found that the 2022 Project was consistent with the BVDSP EIR in regard to impacts related to utilities and service systems. 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 were determined to be applicable to the project. As detailed below, the 2024 Project would not substantially change these impacts.

While the 2024 Project could result in additional residents than under the 2022 Project (see Population and Housing discussion above) and therefore marginally greater demand for utilities and service systems, the BVDSP EIR allowed for flexibility with respect to the quantity and type of future development in its analysis, and the proposed density remains within that allowable for the site, so the increase in residents and related utility and service system demand would still be within the analysis and conclusions of the BVSPD with respect to public services, parks, and recreation facilities.

As discussed for the 2022 Project, the 2024 Project would still be all-electric, with no natural gas use, and (in coordination with PG&E) would require a pad mounted electrical transformer in the northeastern corner of the site, as shown on the plans. Forgoing a natural gas connection is consistent with current greenhouse gas reduction strategies.

The 2024 Project would still be required to implement relevant SCAs to minimize potential impacts related to utility and service system demand, including SCA UTIL-1: *Construction and Demolition Waste Reduction and Recycling*, SCA UTIL-2: *Underground Utilities*, SCA UTIL-3: *Recycling Collection and Storage Space*, SCA UTIL-4: *Green Building Requirements*, SCA UTIL-5: *Sanitary Sewer System*, and SCA UTIL-6: *Storm Drain System*. Related SCAs are included in full in Attachment A.

The 2024 Project would not substantially increase the severity of impacts related to utilities and service systems compared to the 2022 Project and would therefore not substantially increase the severity of the significant impacts identified in the BVDSP EIR nor would it result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR.

Attachment A: City of Oakland Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP)

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA MMRP) is based on the CEQA Analysis prepared for the Revised 3403 Piedmont Avenue mixed-use residential development.

This SCA MMRP 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 SCA MMRP lists mitigation measures (“MM”) recommended in the EIR and identifies mitigation monitoring requirements, as well as the City’s Standard Conditions of Approval (“SCA”) identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. The SCA number that corresponds to the City’s master SCA list is provided at the end of the SCA title — i.e., SCA AIR-1: *Dust Controls - Construction Related* (#20).

Standard Conditions of Approval and Mitigation Measures that were applicable to the 2022 Project are applicable to the 2024 Project without revision as included in full in Attachment A, except that SCA AIR-5: *Stationary Sources of Air Pollution (Toxic Air Contaminants)* would no longer be applicable as the project would no longer require an emergency generator, and SCA TRA-5: *Plug-In Electric Vehicle (PEV) Charging Infrastructure* would no longer be applicable as on-site parking is no longer proposed. The City has adopted an updated list of SCAs since the 2022 CEQA Analysis, and one additional SCA would be applicable to the Project, SCA BIO-2: *Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings*. All SCAs have been renumbered and/or renamed consistent with the current SCA list.

To the extent that there is any inconsistency between applicable SCAs and/or MMs, 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 sponsor 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 sponsor 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		
	When Required	Initial Approval	Monitoring/ Inspection
Aesthetics, Shadow and Wind			
<p>SCA AES-1: Trash and Blight Removal (#18).</p> <p>The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multifamily residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.</p>	Ongoing	N/A	Bureau of Building
<p>SCA AES-2: Graffiti Control (#19).</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> <p>i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.</p> <p>ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.</p> <p>iii. Use of paint with anti-graffiti coating.</p> <p>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> <p>v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.</p> <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <p>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.</p> <p>ii. Covering with new paint to match the color of the surrounding surface.</p> <p>iii. Replacing with new surfacing (with City permits if required).</p>	Ongoing	N/A	Bureau of Building
<p>SCA AES-3: Landscape Plan (#20).</p> <p>a. <i>Landscape Plan Required</i></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. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List Planting Guidelines and with any applicable streetscape plan.</p> <p>b. <i>Landscape Installation</i></p> <p>The project applicant shall implement the approved Landscape Plan</p>	<p>Prior to approval of construction-related permit</p> <p>Prior to building permit final</p>	<p>Bureau of Planning</p> <p>Bureau of Planning</p>	<p>N/A</p> <p>Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>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. <i>Landscape Maintenance</i></p> <p>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. 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>	Ongoing	N/A	Bureau of Building
<p>SCA AES-4: Lighting (#21).</p> <p>Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final	N/A	Bureau of Building
Air Quality			
<p>BVDSP Recommended Measure AIR 1: During construction, the project applicant shall require the construction contractor to use prefinished materials and colored stucco, as feasible.</p>	Prior to building permit final	N/A	Bureau of Building
<p>SCA AIR-1: Dust Controls- Construction Related (#22).</p> <p>The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <p>a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</p> <p>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>d) Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>e) All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</p> <p>f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>g) Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>of wood chips, mulch, or gravel.</p> <p>h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>[Note that additional “enhanced controls” are not applicable to the project as the construction site is less than 4 acres and involves less than 10,000 cubic yards of soil transport.]</p>			
<p>SCA AIR-2: Criteria Air Pollutant Controls- Construction and Operation Related (#23).</p> <p>The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <p>a) 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 two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>b) 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 two 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 OffRoad Diesel Regulations”).</p> <p>c) 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</p> <p>e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>[Note that additional “enhanced controls” are not applicable to the project as the project size is below applicable emissions screening levels for both construction and operation, the construction activities would not overlap with operational activities, demolition would not</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
exceed 100,000 square feet of building space, and the project does not include a backup generator.]			
<p>SCA AIR-3: Toxic Air Contaminant Controls-Construction Related (#24)</p> <p>a. Particulate Matter Reduction Measures</p> <p>The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter (PM2.5) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement I or both ii and iii:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and PM2.5 from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then DPM and PM2.5 reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, DPM and PM2.5 reduction measures shall be identified to reduce the health risk to below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and PM2.5 reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM2.5 reduction measures shall be implemented during construction.</p> <p>-or-</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. 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"> All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. Where access to grid-powered electricity is available, portable 	<p>Prior to issuance of a construction related permit (i), during construction (ii)</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.</p> <p>Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.). -and-</p> <p>iii. The project applicant shall implement all enhanced control measures included in SCA 20 (Dust Controls – Construction Related).</p> <p>b. Construction Emissions Minimization Plan (if required by a above)</p> <p>The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p>	<p>Prior to issuance of a construction related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>
<p>SCA AIR-4: Reduce Exposure to Air Pollution (Toxic Air Contaminants) (#25).</p> <p>a. Health Risk Reduction Measures</p> <p>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.</p> <p>The project applicant shall choose one 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 and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk of exposure of project residents/occupants/users to air pollutants and the exposure of existing off-site sensitive receptors to project-generated TAC emissions. The HRA shall be based on project specific activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below the City’s health risk significance thresholds for projects,</p>	<p>Prior to approval of construction-related permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk below the City's health risk significance thresholds. 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. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of mechanical ventilation systems 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. Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM2.5) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers standard 52.2). 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 var. 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. 			

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>debris which will avoid injury to any protected tree.</p> <p>ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</p> <p>iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p>c. Tree Replacement Plantings</p> <p>Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <p>i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>ii. Replacement tree species shall consist of <i>Sequoia sempervirens</i></p>	<p>Prior to building final permit</p>	<p>Public Works Department, Tree Division</p>	<p>Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>(Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.</p> <p>iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>iii. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City’s Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant’s expense.</p>			
<p>SCA BIO-2: Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings (#32). To avoid and minimize impacts on special-status roosting bat species, the project applicant shall retain a qualified biologist, as defined by the California Department of Fish and Wildlife (CDFW), who is experienced with bat surveying techniques, behavior, and roosting habitat. CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project to typically include a minimum of four years of academic training leading to a degree and a minimum of two years of experience conducting surveys for each species that may be present within the project area.</p> <p>The retained biologist shall conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to identify potential bat habitat and/or signs of potentially active roost sites. Should the pre-construction habitat not identify potential bat habitat or signs of potentially active roost sites, no further action is required.</p> <p>Sound the pre-construction habitat assessment identify potential bat habitat and/or signs of potentially active roost sites within the project area (e.g., guano, urine staining, dead bats, etc.), the project applicant shall be required to implement the following measures:</p> <p>a) For projects starting demolition during the non-sensitive periods (August 16 – October 14, and March 2 – April 14), work shall be done under the supervision of a qualified biologist with restrictions such as.</p> <p>i. Potential bat roosting habitat or active roosts shall be disturbed only</p>	Prior to construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>under clear weather conditions when precipitation is not forecast for three days, average wind speeds are less than 15 miles per hour, and when nighttime temperatures are at least 45 degrees Fahrenheit.</p> <p>ii. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</p> <p>-- OR --</p> <p>b) For projects starting demolition during one of the sensitive periods (maternity season/April 15 - August 15 or period of winter torpor/October 15 - March 1), the project applicant shall be required to implement the following measures:</p> <p>i. To the extent feasible, construction activities in areas identified as potential roosting habitat during the habitat assessment shall not occur during bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1, respectively).</p> <p>ii. If avoidance of the bat maternity roosting season and period of winter torpor, defined above, is infeasible, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment. The survey shall be submitted to the City for review and approval.</p> <p>iii. If no signs of potentially active roost sites are identified, no further action is required.</p> <p>iv. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no disturbance buffer shall be established around roost sites either through the seasonal avoidance windows of April 15 to August 15 and October 15 to March 1, or until the qualified biologist determines the roosts are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.</p> <p>v. Any work that must occur within established no-disturbance buffers shall be done under the supervision by a qualified biologist with restrictions such as:</p> <ul style="list-style-type: none"> • Potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit. • When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes 			

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>inactive, as determined by the qualified biologist</p> <ul style="list-style-type: none"> If adverse effects in response to project work within the no-disturbance buffers are observed, work within the no-disturbance buffer shall halt until the roost disbands. 			
Cultural Resources			
<p>SCA CUL-1: Archaeological and Paleontological Resources – Discovery During Construction (#38). 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. 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	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA CUL-2: Human Remains – Discovery During Construction (#40). 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	N/A	Bureau of Building
Geology, Soils and Geohazards			
<p>SCA GEO-1: Construction-Related Permit(s) (#42). 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	Bureau of Building	Bureau of Building
<p>SCA GEO-2: Soils Report (#37). 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	Bureau of Building	Bureau of Building
GREENHOUSE GAS EMISSIONS / GLOBAL CLIMATE CHANGE			
<p>SCA GHG-1: Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist (#41). The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.</p> <p>a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction related permits.</p> <p>b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.</p> <p>c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the</p>	<p>Prior to approval of construction-related permit</p> <p>During construction</p> <p>Ongoing</p>	<p>Bureau of Planning</p> <p>Bureau of Planning</p> <p>N/A</p>	<p>Bureau of Planning</p> <p>Bureau of Building</p> <p>Bureau of</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.			Planning
Hazards and Hazardous Materials			
<p>SCA HAZ-1: Hazardous Materials Related to Construction (#49). 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; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City 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. 	During construction	N/A	Bureau of Building
<p>SCA HAZ-2: Hazardous Building Materials and Site Contamination (#50)</p> <p>a. Hazardous Building Materials Assessment</p> <p>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</p>	Prior to approval of demolition, grading, or building permits	Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas. 			
<p>SCA HYD-3: Source Control Measures to Limit Stormwater Pollution (#59) Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Stencil storm drain inlets “No Dumping – Drains to Bay;” b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible. 	Ongoing	N/A	N/A
<p>SCA HYD-4: NPDES C.3 Stormwater Requirements for Small Projects (#61). Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:</p> <ul style="list-style-type: none"> a. Direct roof runoff into cisterns or rain barrels for reuse; b. Direct roof runoff onto vegetated areas; c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas; d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas; e. Construct sidewalks, walkways, and/or patios with permeable 	Prior to approval of construction-related permit	Bureau of Planning; Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>surfaces; or</p> <p>f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.</p> <p>The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.</p>			
Noise and Vibration			
<p>SCA NOI-1: Construction Days/Hours (#69).</p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>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.</p> <p>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.</p> <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>	During construction	N/A	Bureau of Building
<p>SCA NOI-2: Construction Noise (#70). 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>	During construction	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</p> <p>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p>			
<p>SCA NOI-3: Extreme Construction Noise (#71).</p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>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> <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>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p><i>b. Public Notification Required</i></p> <p>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>	During construction	Bureau of Building	Bureau of Building
<p>SCA NOI-4: Construction Noise Complaints (#73). 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	Bureau of Building	Bureau of Building
<p>SCA NOI-5: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities (#77). The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at 3330-3360 Broadway/3301 Piedmont Avenue. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to construction	Bureau of Building	Bureau of Building
<p>SCA NOI-6: Operational Noise (#75). 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	N/A	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>SCA NOI-7: Exposure to Community Noise (#74). 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> <p>c. 55 dBA: Commercial activities</p> <p>d. 65 dBA: Industrial activities</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
Public Services			
<p>SCA PUB-1: Capital Improvements Impact Fee (#73).</p> <p>The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit	Bureau of Building	N/A
Transportation and Circulation			
<p>SCA TRA-1: Construction Activity in the Public Right-of-Way (#82).</p> <p>a. Obstruction Permit Required</p> <p>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, sidewalks, bicycle facilities, and bus stops.</p> <p>b. Traffic Control Plan Required</p> <p>In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, 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 accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p> <p>c. Repair of City Streets</p> <p>The project applicant shall repair any damage to the public right-of-way, including streets and sidewalks, caused by project construction at</p>	<p>Prior to approval of construction-related permit</p> <p>Prior to approval of construction-related permit</p> <p>Prior to building permit final</p>	<p>Department of Transportation</p> <p>Department of Transportation</p> <p>N/A</p>	<p>Department of Transportation</p> <p>Department of Transportation</p> <p>Department of Transportation</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
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.			
SCA TRA-2: Bicycle Parking (#83). The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
SCA TRA-4: Transportation Impact Fee (#86). The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).	Prior to issuance of building permit	Bureau of Building	N/A
Utilities and Service Systems			
SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling (#89). 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.	Prior to approval of construction-related permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division
SCA UTIL-2: Underground Utilities (#90). The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.	During construction	N/A	Bureau of Building
SCA UTIL-3: Recycling Collection and Storage Space (#91). 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 (2) cubic feet of	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.			
<p>SCA UTIL-4: Green Building Requirements (#92).</p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • 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. 	Prior to approval of construction-related permit	Bureau of Building	N/A

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)⁶ area (Plan Area). It would demolish the existing building on site, which is not considered an historic resource for the purposes of CEQA. The new building would be approximately 61,054 gross square feet in size, would have eight floors and would reach a height of approximately 93 feet at the roof line. The project would include up to 105 residential units and up to 950 square feet of ground floor commercial space.

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

- The land use designation for the site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland’s major corridors and in shopping district or centers. The proposed mixed-use project would be consistent with this designation.
- The project is zoned D-BV-3 (Mixed Use Boulevard Zone). The D-BV-3 Zone allows a wide range of ground-floor retail and other commercial activities with upper-story spaces intended to be available for residential and office or other commercial activities. Residential uses are permitted as-of-right in the D-BV-3 zone except on the ground floor within 60 feet of any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue. Incidental pedestrian entries leading to these activities in stories above the ground are exempt from this restriction. The proposed residential component of the project would be consistent with this designation.
- The D-BV-3 zone is intended to allow a wide range of ground-floor commercial activities, and target uses of general retail sales, limited-service restaurant/café, and recreational assembly would be permitted as-of-right. The proposed commercial component of the project would be consistent with this designation.
- For the non-residential portion of the project, the permitted Floor Area Ratio (FAR) in the 95-foot height area is 4.0. The project site would provide approximately 950 square feet of commercial space. Combined with the Sawmill building commercial space at 3400 Broadway, the total non-residential square footage would be 26,828, which equates to a FAR of 1.55, which

⁶ City of Oakland, 2014. Broadway Valdez District Specific Plan. Adopted June 17, 2014.

is within the FAR allowance of 4.0 for the site. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.

- With respect to residential density, the 95-foot height area allows 1 dwelling unit per 200 square feet of lot area. For mixed-use projects, the maximum residential density is based on the total lot area and any square footage occupied by a non-residential use is included in the lot area calculation. The project site is approximately 17,273 square feet in size; and as such, the base maximum residential density on the project site would be 86 dwelling units. With the proposed affordable housing component, the State Density Bonus Law would afford an additional residential density allowing for the proposed 105 units at the site at a density of 1 dwelling unit per 164.5 square feet of lot area. This density would be consistent with the provisions of the BVDSP and the City's Planning Code with application of the required State Density Bonus Law.
- With regard to building height, the project site is in the 95-foot height area, which sets the maximum height at 95 feet and the number of stories above grade at eight. The proposed project would be less than 93 feet in height and would have eight stories. Therefore, the height of the proposed project complies with the BVDSP.

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

ATTACHMENT C: 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 75 percent of the site’s perimeter. For the purpose of this subdivision, “adjoin” means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes The project site has been previously developed with commercial uses and adjoins existing urban uses.
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 onsite renewable power generation.	Not Applicable According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this section that apply to the predominant use shall govern the entire project.” Because the predominant use is residential, the proposed project is not required to include onsite renewable power generation.

**Table C-1
Project Infill Eligibility**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Soil and Water Remediation.</p> <p>If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.</p>	<p>Not Applicable.</p> <p>The project site does not contain known contamination and no remediation is proposed or required.</p>
<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Yes</p> <p>The proposed project would include residential units within 1,000 feet of three major roadways (I-580, Broadway, and Piedmont Avenue) and four stationary sources of air pollution; all four sources are back-up diesel generators, with three located at Kaiser Permanente Medical Center campus and one on the project site. These sources of air pollution within 1,000 feet of the project could cause the excess cancer risk, chronic HI, and PM2.5 concentrations at the project site to be greater than the City of Oakland’s cumulative thresholds. Implementation of SCA AIR-4 and SCA AIR-5 is required for the proposed project and would effectively reduce the potential health risk to below acceptable levels.</p>

**Table C-1
Project Infill Eligibility**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in criterion 2a above, the project must meet eligibility requirements provided below by project type.</p>	
<p>Residential. A residential project must meet one of the following:</p> <p><i>A. Projects achieving below average regional per capita vehicle miles traveled.</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p><i>B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p><i>C. Low – Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Yes</p> <p>The proposed project is eligible under Section (A). The project site has a 2030 average vehicle miles traveled of 7.07 per capita, which is more than 50% below the regional average of 14.4 and would therefore qualify as a “low vehicle travel area”.</p>

**Table C-1
Project Infill Eligibility**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Commercial/Retail. A commercial/retail project must meet <u>one</u> of the following:</p> <p>A. <i>Regional Location.</i> A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; <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>
<p>Office Building. An office building project must meeting <u>one</u> of the following:</p> <p>A. <i>Regional Location.</i> Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; <u>or</u></p> <p>B. <i>Proximity to a Major Transit Stop.</i> Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p>
<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	<p>Not Applicable</p>
<p>Transit.</p> <p>Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	<p>Not Applicable</p>

Table C-1**Project Infill Eligibility**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Small Walkable Community Projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable</p>
<p>3. Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5).</p> <p>(CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes</p> <p>The project is consistent with the applicable land use designation and zoning and Plan Bay Area 2050 (see detailed explanation below table)</p>

Explanation for Eligibility Criteria 3 – The adopted Plan Bay Area 2050 serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375.⁷ 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. With Plan Bay Area 2050, ABAG/MTC

⁷ Metropolitan Transportation Commission and Association of Bay Area Governments, adopted October 21, 2021, Plan Bay Area 2050. Available at: https://mtc.ca.gov/sites/default/files/documents/2021-11/Plan_Bay_Area_2050_October_2021.pdf

has provided a Plan Bay Area 2050 Consistency Checklist for Development Projects to help assess consistency of a development project with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).⁸ According to the checklist, this project site meets the location consistency by being located in a PDA and being within an urban growth boundary. The project would also be consistent with SCS strategies, as discussed below in **Table C-2**. Therefore, the project, once approved, is anticipated to directly facilitate the implementation of 5 SCS strategies, and not obstruct any other strategies.

Table C-2: Project Consistency with the Plan Bay Area 2050 Strategies

Strategy	Project Consistency
H3: Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and select High-Resource Areas.	The project is located in a Priority Development Area and proposes residential development at a high density for the area (1 dwelling unit per 164.5 square feet of lot area) through inclusion of affordable housing units and the State Density Bonus Law.
H4: Build adequate affordable housing to ensure homes for all. Construct enough deed restricted affordable homes to fill the existing gap in housing for the unhoused community and to meet the needs of low-income households.	The project would include 29 affordable dwelling units.
H5: Integrate affordable housing into all major housing projects. Require a baseline of 10-20% of new market-rate housing developments of five units or more to be affordable to low-income households.	28% of the residential units of the project would be affordable dwelling units.
EN3: Fund energy upgrades to enable carbon neutrality in all existing commercial and public buildings. Support electrification and resilient power system upgrades in all public and commercial buildings.	The project does not include natural gas appliances or natural gas.
EN4: Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions.	The project site is located in the City boundaries and redevelops a previously developed site that is surrounded by existing development and suitable for growth as established by the City through its Housing Element.

⁸ Metropolitan Transportation Commission and Association of Bay Area Governments, Checklist: Plan Bay Area 2050 Consistency for Development Projects, available at: <https://mtc.ca.gov/digital-library/5023230-checklist-plan-bay-area-2050-consistency-development-projects>

The proposed project is also consistent with the general land use designation, density, building intensity, and applicable policies specified in the BVDSP and described further below.

The land use designation for the site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland's major corridors and in shopping district or centers. The proposed mixed-use project would be consistent with this designation.

The project is zoned D-BV-3 (Mixed Use Boulevard Zone). The D-BV-3 Zone allows a wide range of ground-floor retail and other commercial activities with upper-story spaces intended to be available for residential and office or other commercial activities. Residential uses are permitted as-of-right in the D-BV-3 zone except on the ground floor within 60 feet of any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue. Incidental pedestrian entries leading to these activities in stories above the ground are exempt from this restriction. The proposed residential component of the project would be consistent with this designation.

The D-BV-3 zone is intended to allow a wide range of ground-floor commercial activities, and target uses of general retail sales, limited-service restaurant/café, and recreational assembly would be permitted as-of-right. The proposed commercial component of the project would be consistent with this designation.

The permitted Floor Area Ratio (FAR) for a project in the 95-foot height area is 4.0 for the non-residential areas of the project site. The project site is approximately 17,273 square feet, and therefore the maximum non-residential FAR allowed would be 63,706 square feet. The proposed project would provide approximately 950 square feet of commercial space. Combined with the Sawmill building commercial space at 3400 Broadway, the total non-residential square footage would be 26,828 for an FAR of 1.55, which is within the FAR allowance of 4.0 for the site. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.

With respect to residential density, the 95-foot height area allows 1 dwelling unit per 200 square feet of lot area. For mixed-use projects, the maximum residential density is based on the total lot area and any square footage occupied by a non-residential use is included in the lot area calculation. The project site is approximately 17,273 square feet in size; and as such, the base maximum residential density on the project site would be 86 dwelling units. With the proposed affordable housing component, the State Density Bonus Law would afford additional residential density to allow the proposed 105 units at the site. This density would be consistent with the provisions of the BVDSP and the City's Planning Code with application of the required State Density Bonus Law.

The project site is in the 95-foot height area, where the maximum height is 95 feet and the number of stories permitted, not including underground construction, is eight. The proposed project would be less than 93 feet in height with eight stories. The height of the proposed project would comply with the BVDSP.

Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with Plan Bay Area 2050 and the BVDSP.