

Appendix A  
**Mitigation Monitoring and  
Reporting Program**

# APPENDIX A

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## Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) is based on the EIR prepared for the Phase I Oakland 2045 General Plan Update.

This 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 MMRP lists mitigation measures that apply to the Proposed Project. This MMRP also identifies the mitigation monitoring requirements for each mitigation measure. Several mitigation measures involve adopted changes to the City’s Standard Conditions of Approval (SCA), and new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~.

To the extent that there is any inconsistency between any mitigation measures, the more restrictive conditions shall govern; to the extent any mitigation measure identified in the CEQA Checklist were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the MMRP table identifies the feasible mitigation measure adopted by the City and applicable to the specified environmental topic in the CEQA Checklist. While a mitigation measure can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation).
- The second column identifies the monitoring schedule or timing applicable to the Proposed Project.
- The third column names the party responsible for monitoring the required action for the Proposed Project.

The City is responsible for compliance with all mitigation measures adopted. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Building Department.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality</b>		
<p><b>Recommended Measure AIR-1: Text Changes to SCA 20, Dust Controls – Construction Related.</b></p> <p>Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>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.</li> <li>d) Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>e) All <u>excavation, grading and/or</u> demolition activities (if any) shall be suspended when average wind speeds exceed 20 miles per hour.</li> <li>f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</li> <li>g) <u>Unpaved roads providing access to sites located</u> <del>Site accesses to a distance of 100 feet or further from a</del> paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</li> <li>h) <u>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.</u></li> </ul> <p><i>[Enhanced Controls: All "Basic" controls listed above plus the following controls if the project involves: Extensive site preparation (i.e., the construction site is four acres or more in size); or Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).]</i></p> <ul style="list-style-type: none"> <li>i) <u>Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.</u></li> <li>j) Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than <u>10 days</u> <del>one month</del>. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</li> <li>k) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress.</li> <li>l) When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.</li> <li>m) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</li> </ul>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<p>n) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content <u>can be verified by lab samples or moisture probe.</u></p> <p>o) <u>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</u></p> <p>p) <u>Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established.</u></p>		
<p><b>Mitigation Measure AIR-1: Text Changes to SCA 21, Criteria Air Pollutant Controls – Construction Related.</b></p> <p><b>SCA 21. Criteria Air Pollutant Controls - Construction <u>and Operational</u> Related</b></p> <p><b><i>Enhanced Controls: All "Basic" controls listed above plus the following controls.</i></b> a) <i>Criteria Air Pollutant Reduction Measures</i></p> <p>Requirement: <u>Project applicants proposing projects that exceed BAAQMD screening levels (as amended to specify projects that include extensive demolition i.e., demolition greater than 100,000 square feet of building space). The project applicant shall retain a qualified air quality consultant to prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment shall either include a comparison of the project with other similar projects where a quantitative analysis has been conducted or shall provide a project-specific criteria air pollutant analysis to determine whether the project exceeds the City's criteria air pollutant thresholds.</u></p> <p><u>In the event that a project-specific analysis finds that the project could result in criteria air pollutant emissions that exceed City significance thresholds (54 pounds per day of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>), the project applicant shall identify criteria air pollutant reduction measures to reduce the project's average daily emissions below these thresholds 54 pounds per day of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>. The following emission reduction measures shall be implemented to the degree necessary to reduce emissions to levels below the significance thresholds. Additional measures shall be implemented if necessary. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</u></p> <p><b>i. <u>Clean Construction Equipment</u></b></p> <p>a) <u>Where access to grid-powered electricity is reasonably available, portable 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.</u></p> <p>b) <u>Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Engine Certification (tier rating), (7) Verified Diesel Emission Control Strategy (VDECS) information if applicable, and other related equipment data. A Certification Statement is also required to be made by the Contractor as documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to comply and acknowledges that a violation of this requirement shall constitute a material breach of contract.</u></p>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<p>c) <u>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.).</u></p> <p>d) <u>Exceptions to requirements a), b), and c) above may be granted if the project sponsor has submitted information providing evidence that meeting the requirement (1) is technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, or (3) there is a compelling emergency need to use equipment that to not meet the engine standards and the sponsor has submitted documentation that the requirements of this exception provision apply. In seeking an exception, the project sponsor shall demonstrate that the project will use the cleanest piece of construction equipment available and feasible and strive to meet a performance standard of average construction emissions of ROG, NO<sub>x</sub>, PM<sub>2.5</sub> below 54 lbs/day, and PM<sub>10</sub> emissions below 82 lbs/day.</u></p> <p>ii. <b><u>Super-Compliant VOC Architectural Coatings during Construction.</u></b>  <u>The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior and exterior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter.<sup>1</sup></u></p> <p>iii. <b><u>Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings.</u></b>  <u>Subsequent projects shall use super-compliant VOC architectural coatings in maintaining buildings. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113, which requires a limit of 10 grams VOC per liter.<sup>2</sup></u></p> <p>iv. <b><u>Promote Use of Green Consumer Products.</u></b>  <u>To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential tenants concerning green consumer products. The Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.</u></p> <p>v. <b><u>Best Available Control Technology for Projects with Diesel Backup Generators and Fire Pumps.</u></b>  <u>The Project sponsor shall implement the following measures. 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:</u></p> <p>a) <u>Pursuant to SCA 24, non-diesel fueled generators shall be installed to replace diesel-fueled generators if feasible. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce criteria pollutant emissions compared to diesel fuel.</u></p>		

<sup>1</sup> <http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings>

<sup>2</sup> <http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<p>b) Pursuant to SCA 24, all new diesel backup generators shall have engines that meet or exceed CARB Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423). If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest criteria pollutant emissions shall apply.</p> <p>c) All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by BAAQMD in its permitting process.</p> <p>d) For each new diesel backup generator permit submitted to BAAQMD for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</p> <p><b>vi. <u>Electric Vehicle Charging</u></b></p> <p><u>Prior to the issuance of the building's final certificate of occupancy, the project applicant shall demonstrate that the project is designed to comply with EV requirements in the most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review. The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City.</u></p> <p><b>vii. <u>Additional Operational Emission Reduction Measures</u></b></p> <p><u>Subsequent projects that do not meet the screening criteria and exceed the applicable criteria air pollutant thresholds of significance shall implement the following additional measures to reduce operational criteria air pollutant emissions:</u></p> <p>a) <u>Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.</u></p> <p>b) <u>All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.</u></p> <p>c) <u>Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.</u></p> <p>d) <u>Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.</u></p> <p>b) <i>Construction Emissions Minimization Plan</i></p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<p>i. Requirement: <del>For projects that involve construction activities with average daily emissions exceeding the CEQA thresholds for construction activity, currently 54 pounds per day of ROG, NOx, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>.</del> The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following: ...</p>		
<p><b>Mitigation Measure AIR-2: Text Changes to SCA 23, <u>Reduce Exposure to Air Pollution – Toxic Air Contaminants.</u> (As also modified by Mitigation Measure AIR-4 in double underline.)</b></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 <u>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.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to <del>acceptable levels below the City's health risk significance thresholds</del>. 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>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"> <li>Installation of <del>mechanical ventilation systems</del> <u>air filtration</u> 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. <del>Air filter devices shall be rated MERV 16-13 [insert MERV 16 for projects located in the West Oakland Specific Plan area] or higher</del> <u>Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2).</u> As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</li> </ul>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>
<p><b>Mitigation Measure AIR-3: Text Changes to SCA 22, <del>Diesel Particulate Matter</del> <u>Toxic Air Contaminant Controls-Construction Related.</u></b></p> <p>Requirement: 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) <u>and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) in exhaust and fugitive emissions</u> from construction <del>emissions activities</del>. The project applicant shall choose <u>to implement i or both ii and iii</u> <del>one of the following methods</del>:</p>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<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), <del>the and</del> Office of Environmental Health and Hazard Assessment, <u>and Bay Area Air Quality Management District (BAAQMD)</u> to determine the health risk to sensitive receptors exposed to DPM and PM<sub>2.5</sub> from <del>exhaust and fugitive emissions from project construction emissions</del>. <u>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.</u> 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 <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, then DPM and PM<sub>2.5</sub> reduction measures are not required. If the HRA concludes that the health risk exceeds <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, DPM and PM<sub>2.5</sub> reduction measures shall be identified to reduce the health risk to <del>acceptable levels</del> <u>below the City's health risk significance thresholds</u> as set forth under subsection b below. Identified DPM and PM<sub>2.5</sub> reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM<sub>2.5</sub> reduction measures shall be implemented during construction.</p> <p>-OR both-</p> <p>ii. <u>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:</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• <u>Where access to grid-powered electricity is reasonably available, portable 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.</u></li> <li>• <u>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.).</u></li> </ul> <p>-and-</p> <p>iii. <u>The project applicant shall implement all enhanced control measures included in SCA 20.</u></p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<p><b>Mitigation Measure AIR-4: Text Changes to SCA 23, <u>Reduce Exposure to Air Pollution – Toxic Air Contaminants.</u> (As also modified by Mitigation Measure AIR-2 in double underline/strikeout.)</b></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 <u>and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs</u> to determine the health risk of exposure of project residents/occupants/users to air pollutants <u>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.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to <del>acceptable levels</del> <u>below the City's health risk significance thresholds</u>. 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>	Upon effective date of the Resolution certifying the EIR	Planning and Building Department
<p><b>Mitigation Measure AIR-5: Text Changes to SCA 24, Stationary Sources of Air Pollution (Toxic Air Contaminants).</b></p> <p>a. 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 <u>and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs</u> to determine the health risk associated with proposed stationary sources of pollution in the project. <u>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.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to <del>acceptable levels</del> <u>the City's health risk significance thresholds for projects</u>. 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. <u>The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</u></p> <p>The City shall revise the items under section b. of SCA 24, Stationary Sources of Air Pollution (Toxic Air Contaminants), as follows:</p> <p>b. 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"> <li>i. Installation of non-diesel fueled generators, if feasible, or;</li> <li>ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. <u>If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest DPM emissions shall apply.</u></li> </ul>	Upon effective date of the Resolution certifying the EIR	Planning and Building Department

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<ul style="list-style-type: none"> <li>iii. <u>All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by BAAQMD in its permitting process.</u></li> <li>iv. <u>All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors.</u></li> <li>v. <u>For each new diesel backup generator permit submitted to BAAQMD for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</u></li> </ul>		
<p><b>Mitigation Measure AIR-6: Text Changes to SCA 25, Truck-Related Risk Reduction Measures (Toxic Air Contaminants).</b></p> <p><b><u>c. Diesel Truck Emission Reduction Measures</u></b></p> <p><u>Requirement: The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. 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. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:</u></p> <ul style="list-style-type: none"> <li>i. <u>Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.</u></li> <li>ii. <u>All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.</u></li> <li>iii. <u>Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.</u></li> <li>iv. <u>Requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</u></li> <li>v. <u>Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.</u></li> <li>vi. <u>The project sponsor shall develop a Truck Route Plan that establishes operational truck routes to avoid sensitive receptors as identified in the environmental review analysis completed for the project. The purpose of the Truck Route Plan is to route trucks on streets that are located as far from offsite sensitive receptors as possible, while still maintaining the operational goals of the project. The Truck Route Plan must include route restrictions, truck calming, truck parking, and</u></li> </ul>	Prior to approval of construction-related permit	Planning and Building

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Air Quality (cont.)</b>		
<u>truck delivery restrictions to minimize exposure of nearby sensitive receptors to truck exhaust and fugitive particulate emissions. Prior to the commencement of operational activities, the project sponsor shall certify (1) compliance with the Truck Route Plan, and (2) all applicable requirements of the Truck Route Plan have been incorporated into tenant contract specifications.</u>		
<b>Biological Resources</b>		
<p><b>Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species.</b></p> <p>To avoid and minimize impacts on special-status plant species, the City shall revise its development application form and adopt a new SCA that shall apply to residential development proposed on or adjacent to an undeveloped parcel(s) containing a contiguous vegetated area of one acre or more in size, located northeast of Highway 13 and Interstate 580, southeast of its intersection with State Highway 13 within the City of Oakland.</p> <p>The review process created through the revised application and SCA shall require the following measures:</p> <ul style="list-style-type: none"> <li>• Prior to and within 12 months of the start of construction, including clearing and grubbing, and grading, a qualified biologist shall conduct a properly timed special-status plant survey during the blooming period for pallid manzanita, western leatherwood, Presidio clarkia, Tiburon buckwheat, and most beautiful jewel flower within the species' suitable habitat within the project work limits. The survey will follow the CDFW <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFW, 2018a) and will determine the potential presence and distribution of sensitive natural communities.</li> <li>• If the survey concludes that special-status plant species are present within the project work limits, the biologist shall establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species.</li> <li>• As necessary, all necessary approvals from USFWS/CDFW will be obtained for any impacts to special-status plant species protected under FESA or CESA.</li> </ul>	Prior to any construction-related activity	Planning and Building
<p><b>Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds</b></p> <p>To avoid and minimize impacts on nesting birds, the City shall adopt a new SCA that shall apply to residential development proposed on parcels located northeast of Highway 13 and Interstate 580 southeast of its intersection with State Highway 13 within the City of Oakland AND at least one of the following:</p> <ol style="list-style-type: none"> <li>Parcels containing structures that have been unoccupied / vacant for 12 months or more; or</li> <li>Parcels within 200 feet of a substantial vegetated area (generally contiguous one acre in size or larger)</li> </ol> <p>The SCA shall require the following measures:</p> <ol style="list-style-type: none"> <li>If construction begins during the nesting season (February 1 to August 15), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of construction, to identify any active nests. The surveys shall be submitted to the City for review and approval.             <ol style="list-style-type: none"> <li>For qualifying projects containing structures that have been unoccupied / vacant for 12 months or more, surveys shall be performed for the project site to locate any active passerine (e.g., songbird) or raptor (bird of prey) nests.</li> </ol> </li> </ol>	Prior to any construction-related activity	Planning and Building

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Biological Resources (cont.)</b>		
<p>ii. For qualifying projects within 200 feet of a substantial vegetated area, surveys shall be performed within 50 feet to locate any active passerine (e.g., songbird) nests and within 200 feet to locate any active raptor (bird of prey) nests.</p> <p>b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (August 16 to January 31), construction may proceed with no restrictions.</p> <p>c) If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p>d) Any birds that begin nesting amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases.</p> <p>e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.</p>		
<p><b>Mitigation Measure BIO-3: Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings.</b></p> <p>To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to <u>residential</u> development involving full demolition or relocation of structures that are vacant and/or abandoned and have been <u>continuously</u> vacant and/or abandoned <u>including</u> for 14 <u>contiguous</u> days or more during the preceding maternity season (April 15 – August 15). The SCA shall require the following measures:</p> <p>Requirement: The project applicant shall retain a qualified biologist (as defined by CDFW<sup>3</sup>) who is experienced with bat surveying techniques, behavior, and roosting habitat. 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 assessment not identify potential bat habitat and or signs of potentially active roost sites, no further action is required.</p> <p>Should 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 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>Prior to demolition-related activity</p>	<p>Planning and Building</p>

<sup>3</sup> CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Biological Resources (cont.)</b>		
<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> <p>a) 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.</p> <p>b) 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 inactive, as determined by the qualified biologist.</p> <p>c) 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.</p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Biological Resources (cont.)</b>		
<p><b>Mitigation Measure BIO-4: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees.</b></p> <p>To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to residential development requiring a tree permit per the City’s Tree Protection Ordinance (OMC Chap. 12.36), <u>where trees proposed for removal are a specific species and type that are suitable for bat habitat</u>. The SCA shall require the following measures:</p> <ul style="list-style-type: none"> <li>a. A qualified biologist (as defined by CDFW<sup>4</sup>) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites.</li> <li>b. Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).</li> <li>c. On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.</li> <li>d. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).</li> <li>e. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.</li> </ul>	Prior to removal of trees	Planning and Building Department
<p><b>Mitigation Measure BIO-5: Text changes to SCA 31, Alameda Whipsnake Protection Measures.</b></p> <p>Add the following.</p> <ul style="list-style-type: none"> <li>e. <u>Mitigation for Impacts to Alameda Whipsnake Habitat</u></li> </ul> <p><u>Requirement: To restore Alameda whipsnake critical habitat impacted by the project, the applicant shall have a qualified biologist experienced in identifying Alameda Whipsnake critical habitat conduct a preconstruction baseline survey of the project site, from which they shall then prepare and submit a Revegetation Plan (Plan) for review and approval by USFWS and if necessary CDFW, pursuant to regulatory agency permitting requirements. The Plan shall include detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas. The Plan shall include mitigation in accordance with USFWS and if necessary CDFW requirements to address permanent impacts to Alameda whipsnake critical habitat. The applicant or its designee shall ensure successful implementation of the Plan. As part of the preparation of the Vegetation Management Plan (VMP), as required by SCA 47, the VMP shall quantify the area of Alameda Whipsnake critical habitat that will be disturbed by implementing the VMP. The VMP shall be submitted to USFWS and if necessary CDFW.</u></p> <p><u>When Required: Prior to construction-related activity</u></p> <p><u>Initial Approval: Bureau of Planning</u></p> <p><u>Monitoring/Inspection: Bureau of Building</u></p>	Prior to construction-related activity	Planning and Building Department

<sup>4</sup> CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
<b>Cultural Resources</b>		
<p><b>Mitigation Measure CUL-1: Identify Architectural Historic Resources</b></p> <p>To facilitate the protection of architectural historic resources, the City shall create a ministerial process involving a screening assessment incorporated into the City of Oakland basic application for development review to determine when a building or structure is an eligible historic resource. The screening assessment shall be reviewed and approved by a City of Oakland Preservation Planner <u>or other qualified planner</u>. Once the process is established, the City shall require discretionary review for the issuance of demolition permits of eligible historic resources unless, consistent with City regulations: rehabilitation is not feasible; demolition is necessary to protect health, safety, and/or welfare; or the benefit of demolition outweighs the loss of the structure.</p>	Concurrent with application submittal	Planning and Building Department
<p><b>Mitigation Measure CUL-2: Text changes to SCA 33: Archaeologically Sensitive Areas – Pre-Construction Measures</b></p> <p><u>Requirement:</u> The project applicant shall implement <del>either</del> Provision A (Intensive Pre- Construction Study) <del>or</del> <u>and</u> Provision B (Construction ALERT Sheet) concerning archaeological resources. <u>If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</u></p>	Prior to approval of construction related permit; during construction	Planning and Building Department
<b>Hydrology and Water Quality</b>		
<p><b>Mitigation Measure HYD-1: Sea Level Rise Vulnerability Assessment.</b></p> <p>To avoid and minimize impacts related to Sea Level Rise, the City shall adopt a new SCA that applies to all projects located in the 100-year coastal flood zone with 5.5 feet of SLR, or the most current SLR projection to be determined by the City.</p> <p>The SCA shall require the following measures:</p> <p>Conduct a Sea Level Rise vulnerability assessment for the project, prepare a Sea Level Rise Adaptation Plan for implementation as part of the project designs, and submit the assessment, adaptation plan, and preliminary design to the City for review and approval.</p>	Concurrent with application submittal	Planning and Building Department