

1750 BROADWAY PROJECT

CEQA Checklist/Exemption Report

Prepared for
City of Oakland

February 2019

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CEQA CHECKLIST/EXEMPTION REPORT

1. General Project Information

1.1 Project Title

1750 Broadway Project

1.2 Lead Agency Name and Address

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

1.3 Contact Person and Phone Number

Mike Rivera, City Planner
Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
(510) 238-6417
mrivera@oaklandnet.com

1.4 Project Location

1750 Broadway
Assessor's Parcel No. 008 062301300

1.5 Project Applicant's Name and Address

1750 Broadway, LLC (Property Owner) Rubicon Point Partners (Applicant)
Attn: Chris Relf
55 2nd Street, Suite 1900
San Francisco, CA 94105
(415) 500-6400

1.6 Existing General Plan Designations

Central Business District

1.7 Existing Zoning

Central Business District Pedestrian Retail (CBD-P); Central Business District General Commercial (CBD-C); Central Business District Height Area 7 (no limit)

1.8 Requested Permits

Major Conditional Use Permit; Regular Design Review; Tree Protection Permit

2. Executive Summary

The proposed mixed-use development project (Proposed Project or Project) would be developed on an approximately 0.63-acre parcel at 1750 Broadway, midblock between 17th Street and 19th Street. The Project proposes a 36-story building containing approximately 307 residential units, 5,000 square feet of ground-level retail, 170 vehicle parking stalls on five above-ground levels, and two off-street residential loading spaces.

This California Environmental Quality Act (CEQA) Analysis evaluates the Proposed Project. Specifically, the Project is considered an urban infill development project, and is in the class of projects that is exempt from CEQA review under CEQA Guidelines Section 15332 (Class 32 exemption). In addition to the Class 32 exemption, this analysis uses CEQA streamlining and/or tiering provisions under CEQA Guidelines Section 15183 to tier from the program-level analyses completed in the City of Oakland (City) General Plan Land Use and Transportation Element (LUTE) and its Environmental Impact Report (EIR), the 2007-2014 Housing Element and its EIR, the 2015-2023 Housing Element and its EIR, and the 2011 Renewal Plan Amendments EIR—collectively referred to herein as the Program EIRs or Previous EIRs—which analyzed environmental impacts associated with adoption and implementation of the General Plan and Redevelopment Plan. The Project would be required to implement the City Standard Conditions of Approval (SCAs) included as **Attachment A** to avoid or reduce potential impacts.

Based on the information and conclusions set forth on the following pages, this CEQA Analysis consists of a Class 32 CEQA Exemption and findings of consistency with Section 15183 and 15183.3. In addition, the analyses provided in the Previous EIRs previously analyzed the potential environmental effects associated with this Project and none of the criteria under Sections 15162 or 15163 is present. No additional environmental documentation or analysis is required.

3. Background

The following describes the Program EIRs that constitute the previous CEQA documents considered in this CEQA Analysis. Each of the following documents is hereby incorporated by reference and can be obtained from the City of Oakland Bureau of Planning at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California 94612, and on the City of Oakland Planning and Building Department website at <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>.

3.1 Applicable Program EIRs

3.1.1 General Plan Land Use and Transportation Element and EIR Analysis

The City certified the EIR for its General Plan Land Use and Transportation Element (LUTE) in 1998. The LUTE identifies policies for utilizing Oakland's land as changes occur, and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five Showcase Districts targeted for continued growth. The Project site is located within the Downtown Showcase District (Downtown), which is intended to promote a mixture of vibrant and unique districts with around-the-clock activity, continued expansion of job opportunities, and a growing residential population.

The Proposed Project would be consistent with several 1998 General Plan LUTE objectives and policies. For example, the Proposed Project would help the City meet its objectives related to expanding Oakland's job base and economic strength (Objective I/C1) by providing opportunities for new short- and long-term employment associated with the construction and operation of the Proposed Project. The Proposed Project would improve the existing underutilized conditions of the Project site at a key location in Downtown Oakland. In doing so, the Proposed Project would be consistent with the City's Downtown goals and objectives related to enhancing the identity of Downtown Oakland and its distinctive districts (Objective D1); enhancing the visual quality of downtown by encouraging new, high quality development (Objective D2); and creating a pedestrian-friendly downtown (Objective D3).

The 1998 LUTE EIR is designated as a Program EIR under CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the LUTE are subject to the requirements of the applicable CEQA sections.

Applicable mitigation measures identified in the 1998 LUTE EIR are largely the same as those identified in the other Previous EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or newer Standard Conditions of Approval (SCAs).

Environmental Effects Summary

The 1998 LUTE EIR determined that development consistent with the LUTE would result in impacts that would be reduced to a less-than-significant level with the implementation of mitigation measures and/or SCAs. Mitigation is required for the following resource topics: Aesthetics (views, architectural compatibility and shadow only); Air Quality (construction dust

[including particulate matter less than 10 microns in diameter] and roadway emissions Downtown, (odors); Cultural Resources (except as noted below as less than significant); Hazards and Hazardous Materials; Land Use (use and density incompatibilities); Noise (use and density incompatibilities, including from transit/transportation improvements); Population and Housing (induced growth, policy consistency/clean air plan); Public Services (except as noted below as significant); and Transportation and Circulation (intersection operations Downtown).

In the 1998 LUTE EIR, less-than-significant impacts were identified for the following resources: Aesthetics (scenic resources, light and glare); Air Quality (clean air plan consistency, roadway emissions in Downtown, energy use emissions, local/regional climate change); Biological Resources; Cultural Resources (historic context/settings, architectural compatibility); Energy; Geology and Seismicity; Hydrology and Water Quality; Land Use (conflicts in mixed use projects and near transit); Noise (roadway noise Downtown and citywide, multi-family near transportation/transit improvements); Population and Housing (exceeding household projections, housing displacement from industrial encroachment); Public Services (water demand, wastewater flows, stormwater quality, parks services); and Transportation and Circulation (transit demand). No impacts were identified for Agricultural and Forestry Resources or Mineral Resources.

Significant unavoidable impacts were identified for the following environmental resources in the 1998 LUTE EIR: Air Quality (regional emissions, roadway emissions Downtown); Noise (construction noise and vibration in Downtown); Public Services (fire safety); Transportation and Circulation (roadway segment operations); Wind Hazards; and Policy Consistency (clean air plan). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

3.1.2 General Plan Housing Element and EIR Analysis

The City has twice amended its General Plan to adopt updates to its Housing Element. It certified a 2010 EIR for the 2007–2014 Housing Element, and a 2014 Addendum to the 2010 EIR for the 2015–2023 Housing Element. The Proposed Project would be consistent with the 2007-2014 Housing Element and the 2015-2023 Housing Element of the General Plan by virtue of introducing new housing stock in Downtown Oakland, specifically in proximity to transit and with a mix of land uses on the same site (2015-2023 Housing Element Policy 7.3 Encourage Development that Reduces Carbon Emissions).

The 2010 Housing Element Update EIR was designated a Program EIR under State CEQA Guidelines Sections 15183 and 15183.3. As such, subsequent activities under the Housing Element that involve housing are subject to requirements under each of the applicable CEQA sections.

Applicable mitigation measures and SCAs identified in the 2010 Housing Element Update EIR are considered in the analysis of this document. Further, the Proposed Project implements all applicable mitigations identified in the 2010 Housing Element EIR and associated 2014 Addendum.^{1,2}

¹ City of Oakland, 2010 *City of Oakland Housing Element Draft Environmental Impact Report*, August 2010.

² City of Oakland, 2014, *CEQA Addendum for City of Oakland Housing Element (2015-2023)*, December 2014.

Environmental Effects Summary

The 2010 Housing Element Update EIR, including its Initial Study Checklist, determined that housing developed pursuant to the Housing Element would result in impacts that would be reduced to a less-than-significant level with the implementation of mitigation measures and/or SCAs (described in Attachment A). Mitigation is required for the following resource topics: Aesthetics (visual character/quality and light/glare only); Air Quality (except as noted below); Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials (except as noted below, with no impacts regarding airport/airstrip hazards and emergency routes); Hydrology and Water Quality (except as noted below); Noise; Public Services (police and fire only); and Utilities and Service Systems (except as noted below).

Less-than-significant impacts were identified for the following resources in the Housing Element Update EIR: Hazards and Hazardous Materials (emergency plans and risk via transport/disposal); Hydrology and Water Quality (flooding/flood flows, and inundation by seiche, tsunami, or mudflow); Land Use (except for no impact regarding community division or conservation plans); Population and Housing (except for no impact regarding growth inducement); Public Services and Recreation (except as noted above, and no impact regarding new recreation facilities); and Utilities and Service Systems (landfill, solid waste, and energy capacity only, and no impact regarding energy standards). No impacts were identified for Agricultural and Forestry Resources or Mineral Resources.

Significant unavoidable impacts were identified for the following environmental resources in the Housing Element Update EIR: Air Quality (toxic air contaminant exposure) and Transportation and Circulation (traffic delays). Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals.

3.1.3 2011 Central District Urban Renewal Plan Amendments and EIR Analysis

The Project site is located within the Central District Urban Renewal Plan Area, which generally encompasses the entire Downtown: approximately 250 city blocks (828 acres) in an area generally bounded by Interstate 980 (I-980), Lake Merritt, 27th Street and the Embarcadero. The Oakland City Council adopted the Central District Urban Renewal Plan (the "2011 Renewal Plan") for the Project Area in June 1969. The City prepared and certified an EIR for proposed amendments to the Urban Renewal Plan in 2011, and amended or supplemented the Plan up to April 3, 2012.³ The Renewal

³ The 2011 EIR addressed two amendments. A 17th Amendment to the Redevelopment Plan to (1) extend the duration of the Plan from 2012 to 2022 and extend the time period that the then-Redevelopment Agency could receive tax increment funds from 2022 to 2032, as allowed by Senate Bill (SB) 211 (codified as Health and Safety Code Section 33333.10 et seq.); (2) increase the cap on the receipt of tax increment revenue to account for the proposed time extensions; and (3) renew the then-Redevelopment Agency's authority to use eminent domain in the Project Area. An 18th Amendment further extended the then-Redevelopment Plan time limit from 2022 to 2023 and extended the time period that the then-Redevelopment Agency could receive tax increment funds from 2032 to 2033, as allowed by Health and Safety Code Section 33331.5.

Plan Amendments EIR was designated a “Program EIR” under CEQA Guidelines Section 15180; as such, subsequent activities are subject to requirements under CEQA Section 15168.⁴

The 2011 Renewal Plan was intended to facilitate future redevelopment activity within the project area consistent with the City of Oakland General Plan. The Renewal Plan Amendments EIR analyzed the environmental impacts of the redevelopment activities associated with implementation of the proposed amendments to the Renewal Plan. As such, the Proposed Project would be consistent with the 2011 Renewal Plan as well as the analysis within the Renewal Plan Amendments EIR. Applicable mitigation measures and standard conditions of approval (described in Section 3.2) identified in the Renewal Plan Amendments EIR are considered in the analysis in this document and are also largely the same as those identified in the other EIRs described in this section.

Applicable mitigation measures and SCAs identified in the 2011 Renewal Plan EIR are considered in the analysis in this document.

Environmental Effects Summary

The 2011 Renewal Plan EIR determined that development facilitated by the proposed amendments would result in impacts that would be reduced to a less-than-significant level with the implementation of identified mitigation measures and/or SCAs. Mitigation would be required in the following resource topics: Aesthetics (light/glare), Air Quality (except as noted below as significant), Biological Resources, Cultural Resources (except as noted below as significant), Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise (except as noted below as significant), Traffic and Circulation (except as noted below as significant), and Utilities and Service Systems.

Less-than-significant impacts were identified for the following resources in the 2011 Renewal Plan EIR: Land Use and Planning; Population, Employment, and Housing; Public Services and Recreation Facilities.

The 2011 Renewal Plan EIR found that the proposed amendments would have significant unavoidable impacts on the following environmental resources: Air Quality; Cultural Resources; and Traffic and Circulation. Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City’s approvals.

3.2 City of Oakland – Standard Conditions of Approval

The City of Oakland established its *Standard Conditions of Approval and Uniformly Applied Development Standards* (SCAs) in 2008, and they have since been amended and revised several times.⁵ The City’s SCAs are incorporated into 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,

⁴ City of Oakland, 2011. *Proposed Amendments to the Central District Urban Renewal Plan Draft Environmental Impact Report*, March 2011.

⁵ The most recent set of SCAs was published by the City of Oakland on November 5, 2018.

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.

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

SCAs that would apply to the Proposed Project are listed in Attachment A to this document, which is incorporated by reference into this CEQA Analysis. Because the SCAs are mandatory City requirements, the impact analysis for the Proposed Project assumes that they will be imposed and implemented, which the project applicant has agreed to do or ensure as part of the Proposed Project. If this CEQA Checklist or its attachments inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the Proposed Project is not affected.

4. Purpose and Determination

4.1 Purpose

The analysis in this environmental review document supports determinations that the 1750 Broadway Project (Proposed Project or Project), as separate and independent bases, qualifies for (1) an exemption per CEQA Guidelines Section 15332 (Class 32 CEQA Categorical Exemption for In-fill Development Projects); (2) CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and (3) streamlining provisions of CEQA under Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for In-fill Projects). In addition, this CEQA checklist addresses whether any exceptions to CEQA Exemptions, under CEQA Guidelines Section 15300.2 (Exceptions), are triggered by the Proposed Project.

This environmental review document is intended to assist the City to determine the appropriate CEQA documentation for the Proposed Project—either a CEQA exemption or an EIR. It does not address every applicable CEQA topic or significance thresholds but focuses on those most pertinent to the City’s assessment of whether a Categorical Exemption, General Plan Consistency Project and/or an In-fill Development Project exemption is viable for the Proposed Project.

4.2 Determination

The information presented in this environmental review document supports that the Proposed Project meets all requirements under CEQA Guidelines Section 15183, Section 15183.3, and Section 15332 and does not trigger conditions in CEQA Guidelines Section 15300.2. As a result, the Proposed Project qualifies for CEQA exemptions under CEQA Guidelines Section 15183, Section 15183.3, and Section 15332.

5. Project Description

The Proposed Project would construct an approximately 36-story mixed-use building on one parcel located at 1750 Broadway, midblock between 17th Street and 19th Street in Uptown Oakland (see **Figure 2.2-1**). The parcel is currently occupied by a 3-story commercial building and surface parking lot. The parcel does not contain a historic resource listed in Oakland's Local Register nor does it fall within an historic district (Area of Primary or Secondary Importance).

5.1 Project Setting

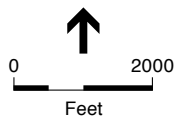
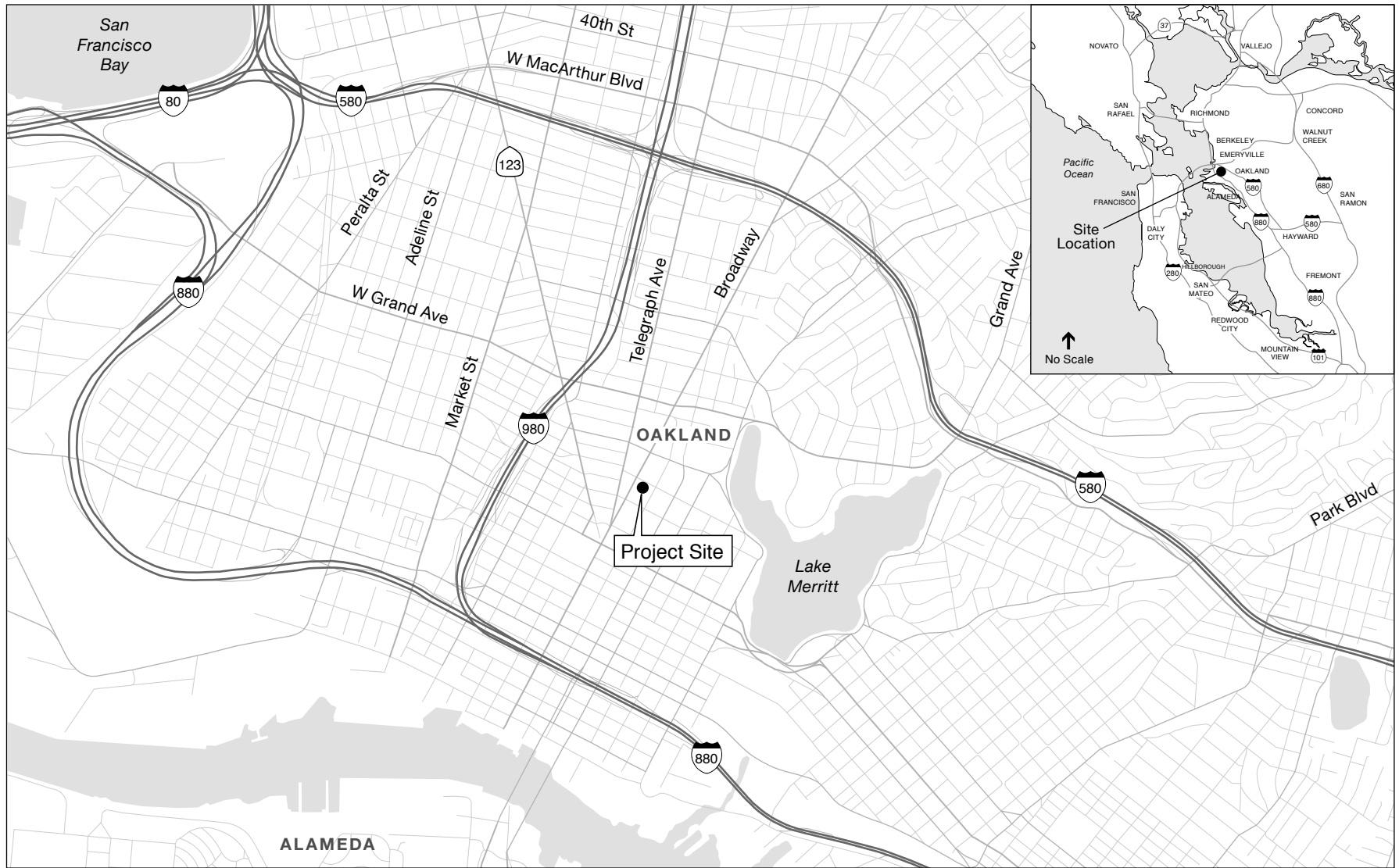
The Project site is within an urban downtown context, surrounded by zero-lot line commercial development in buildings ranging from one-story to high-rises within an urban street grid. Primary land uses around the Project site include mixed commercial and retail, including restaurants, hair and nail salons, mixed-use commercial and apartments, and surface parking lots and parking garages. The majority of buildings in the immediate area of the Project site are older, and two or more stories in height. Medium to high-rise buildings exist in all directions of the surrounding area.

The Project site is not within an historic district. However, the Project site abuts the Uptown Commercial Historic District and an historic resource to the north (1770 Broadway). Nearby local historic resources also include the Tapscott Building (north across 19th Street), Paramount Theatre (one block north), the Fox Theater (one block west), the Leamington Hotel Building & Annex (one block southeast), and the Cathedral Building (two blocks south). The boundaries of the Uptown Commercial Historic District (Area of Primary Importance) are located to the west across Broadway and to the north, adjacent to the Project site.

Transit service providers in the Project vicinity include Bay Area Rapid Transit (BART) and Alameda County-Contra Costa Transit District (AC Transit). BART provides regional rail service throughout the East Bay and across the Bay. The Project is adjacent to the 19th Street BART Station. The nearest station portals are on the east side of Broadway just to the north and south of the main project lobby. The Project site currently provides an elevator between the sidewalk and the concourse level at the BART Station. The Proposed Project would not modify access between the Project site and the BART Station portals and would continue to accommodate the BART elevator at the southwest corner of the building.

AC Transit is the primary bus service provider in the City of Oakland. AC Transit operates multiple major routes along Broadway. The nearest bus stops to the Project site are:

- On the east side of Broadway (northbound), adjacent to the Project site. Routes 6, 12, 18, 33, 51A, 72/72M, and 800/802/805/851 (night service), and the Oakland Free Broadway shuttle (Free B) serve this stop. No amenities are provided at this bus stop.
- On the west side of Broadway (southbound), just north of 19th Street. Routes 6, 18, 72/72M, and 800/802/805 (night service), and the Oakland Free Broadway shuttle (Free B) serve this stop. This bus stop provides a sitting bench and a trash receptacle. This stop can be accessed from the Project site by crossing Broadway at the signalized crossings at 19th Street.



SOURCE: ESA, 2017

1750 Broadway Project . 170514

Figure 2.2-1
Project Location

- On the west side of Broadway (southbound), midblock between 17th and 15th Streets. Routes 6, 12, 18, 33, 51A, 72/72M, and 800/802/805/851 (night service), and the Free B shuttle serve this stop. No amenities are provided at this bus stop. This stop can be accessed from the Project site by crossing Broadway at the signalized crossings at 17th Street.

Regional automobile access to the Project site includes Interstate 980 (I-980), approximately 0.4 miles to the west, and Interstate 880 (I-880), approximately 0.7 miles to the south.

5.2 Existing Conditions and Neighboring Land Uses

The Project site is comprised of one L-shaped parcel of approximately 0.63 acres. An existing 24,267 square foot 3-story office building fronts Broadway. Approximately 14,500 square feet of office use occupies the first and second floors of the existing building—7,840 square feet on the first floor and 6,660 square feet on the second floor. The third floor of the building is currently vacant.⁶ A surface parking lot is located behind the existing building that extends behind the adjacent building to the north, and is accessible via 19th Street.

A five-story mixed-use residential building with ground floor retail is located adjacent to the existing building to the north (1770 Broadway), and is occupied by multiple restaurant and commercial tenants including Oaksterdam University, a cannabis educational facility; Zaya Café; and Sweet Belly Desserts. A four-story office building with ground floor commercial uses is located adjacent to the existing building to the south (1724 Broadway). Staircase/escalator entrances descending to the 19th Street Bay Area Rapid Transit (BART) station are located in front of the adjacent buildings on either side of the existing building. The four-level Franklin Plaza Public Parking garage is located at the Project site's eastern border (1731 Franklin Street).

5.3 General Plan and Zoning Designations

The Project site is within the City's Central Business District General Plan land use designation and is zoned Central Business District Pedestrian Retail Commercial (CBD-P) at the front of the site towards Broadway and along 19th Street and Central Business District General Commercial (CBD-C) at the rear of the site towards Franklin Street. The intent of the CBD zones is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor retail, office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.

5.4 Description of Project

The Project characteristics described below are illustrated in the November 7, 2018 project plans.

The Proposed Project would demolish the existing structure and all paved surfaces on the parcel including paving or other structures including removal of street trees in the public right-of-way and would construct a 36-story building containing approximately 307 residential units, 5,000 square feet of ground-level retail, 170 vehicle parking stalls on five above-ground levels, and

⁶ A short-term lease may be entered into for the third floor, but to be conservative, any potential future occupancy or use was not considered as part of the baseline conditions.

two residential off-street loading spaces (see **Table 5.2-1**, below). The 556,000 square feet, approximately 420-foot high building would likely contain a mix of studio, one-bedroom, one plus-bedroom, two-bedroom, and three-bedroom units. Amenity space would be provided on floors 7 and 36. Units would range from approximately 400 square feet (studio) to 1,670 square feet (three-bedroom).

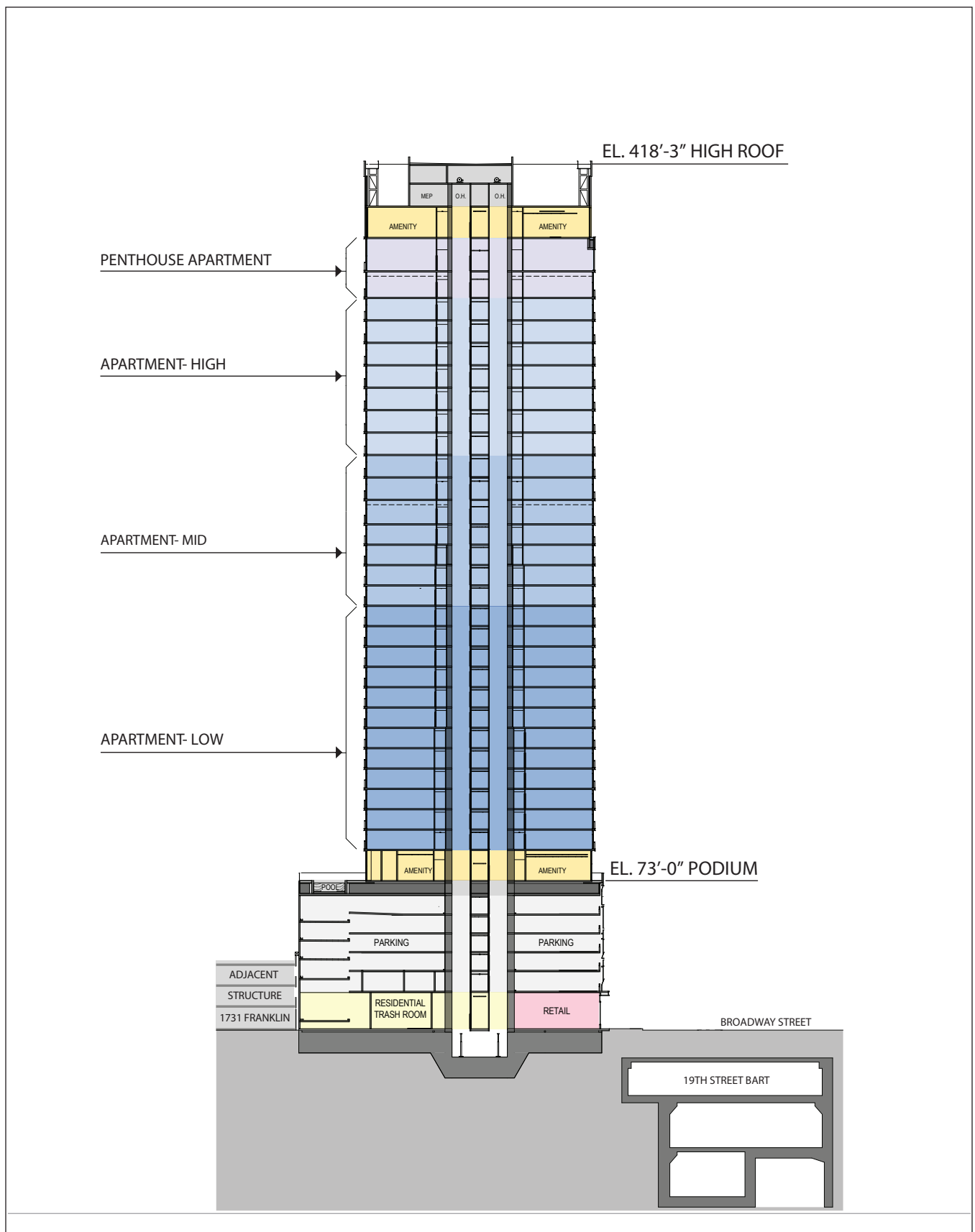
**TABLE 5.2-1
PROPOSED PROJECT CHARACTERISTICS**

Height (ft)	420
Stories	36
Residential Units	307
Retail Space (sf)	5,000
Vehicle Parking	170
Long-Term Bicycle Parking (spaces)	200
Short-Term Bicycle Parking (spaces)	24
Residential Off-Street Loading (spaces)	2
SOURCE: Handel Architects, 2018.	

As noted above, the Project site is L-shaped with the primary frontage along Broadway and a smaller northern extension from the center of the block to a small frontage along 19th Street (see **Figure 2.2-2**). A six-story podium structure would occupy the majority of the Project site with an approximate one foot, three-inch setback from the eastern property line and one foot, six-inch setback from the southern property line. Along Broadway, the setback would vary from zero to four feet. The setback along 19th Street would also be zero for property improvements although the recessed entryway and entrance to the parking garage would be setback from the property line. The podium shares two boundaries with the 1770 Broadway parcel (Oaksterdam building). Along the Proposed Project's north side, the podium would be set back from the 1770 Broadway parcel one foot, six inches from Broadway for about six linear feet and about three feet for the remainder of the boundary. The Proposed Project would be set back six feet from its western property line along the 1770 Broadway parcel. The building occupying the 1770 Broadway parcel is set back along its east side by approximately 10 feet yielding an approximate 16-foot separation.

The building tower would be set back from the podium by between approximately 20 and 25 feet along the north and south sides of the podium, between approximately zero and five feet along the Broadway frontage, and between approximately 25 to 30 feet from along rear of the podium (see **Figures 2.2-2** and **2.2-3**). A garage would occupy the interior of the podium from levels two through six.





Using a population generation rate established for the surrounding area of two persons per household, the Proposed Project would generate up to 614 new residents. The approximately 5,000 square feet of retail space would generate approximately 14 employees.⁷

5.4.1 Access

Two residential lobby entrances would be located on the ground floor; one entrance on 19th street and the other off of Broadway.

Vehicular and loading access to and from the garage would be provided on 19th Street.

5.4.2 Parking

Secured bicycle parking for use by building residents (long-term) would be provided on the ground-level and on garage levels 2 through 3 with a capacity for 200 bicycles. Short-term bicycle parking for visitors and retail patrons would be provided on the sidewalk in front of the building along Broadway with a capacity for 24 bicycles. Approximately 170 (check latest count) parking spaces would be provided for Project residents in the garage with 4 accessible, 1 accessible van (with additional width and height clearance), and 2 car-share spaces on level 2. Electric vehicle parking spaces would be provided on levels 3-6 (18 spaces) and level 7 (4 spaces).

5.4.3 Amenities

Amenity space would be provided for the Proposed Project's residents on levels 2, 8 and 38. An approximately 3,610 square foot private dog run park would be provided on level 2 along the rear northern extension of the podium. A dog wash would also be located on level 2 of the podium. Level 8 of the Proposed Project would feature approximately 9,280 square feet of enclosed amenity space, and an approximately 10,010 square-foot outdoor terrace and a lap pool atop the podium. Indoor and outdoor amenity space would also be provided on level 38 with approximately 6,950 square feet of enclosed space - including a fitness center, multi-use space, media/business space, work space, game room, lounge, and dining space - and an approximately 2,740 square foot outdoor terrace with a pool and outdoor deck space.

5.4.4 Utilities

Onsite utilities include gas, energy, domestic water, wastewater and storm drainage. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The Proposed Project does not require any public water infrastructure improvements but will pay the applicable Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system (see Attachment A, SCA UTIL-5), which

⁷ For the purposes of a conservative analysis, this analysis assumes a residential density of 2 residents per unit and 1 employee per 350 square feet of retail space, as established in the certified Lake Merritt Station Area Plan EIR—a recent EIR with a Plan Area boundary approximately four blocks south of the Project site. Although the Broadway Valdez District Specific Plan Area boundary is approximately three blocks north of the Project site, the EIR for that Plan assumed a slightly less dense residential occupancy rate and thus the results would be slightly less conservative.

would either contribute to replacing pipes to repair the local collection system, or be used to perform inflow and infiltration rehabilitation projects off-site.

5.5 Project Approvals

The Proposed Project application includes the following Planning permits, a Conditional Use Permit, Regular Design Review, and a Tree Protection Permit.

6. Summary of Findings

An evaluation of the Project is provided in the CEQA Analysis below. This evaluation concludes that the Project qualifies for an exemption from additional environmental review and that the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified [i.e., the City of Oakland General Plan LUTE and LUTE Environmental Impact Report (EIR) (1998); the 2007-2014 Housing Element and 2010 Housing Element EIR; 2015-2023 Housing Element and associated 2014 Addendum to the EIR; and the Central District Urban Renewal Plan (Renewal Plan) and Amendments that were evaluated in a EIR certified in 2011, designated as a “Program EIR” under CEQA Guidelines Section 15180]. As such, subsequent activities within the Plan Area or Redevelopment Area are subject to the provisions of CEQA Guidelines Section 15168, and these three EIRs (including the 2014 Addendum) are collectively referred to herein as the Program EIRs. As such, the Project would be required to comply with the applicable mitigation measures identified in the Program EIRs, as well as any applicable City of Oakland Standard Conditions of Approval (SCAs) (see Attachment A for a full list of SCAs referred to and required by the City). With implementation of the applicable mitigation measures and SCAs, the Project would not result in a substantial increase in the severity of significant impacts that were previously identified in the Program EIRs or any new significant impacts that were not previously identified in the Program EIRs.

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

- **Class 32 Exemption:** The following analysis demonstrates that the Project is consistent with Criteria 15332 (a), (b), (c), (d), and (e), and that no exceptions per CEQA Guidelines Section 15300.2 apply to the Project that have not been previously identified and mitigated under the City of Oakland General Plan and its supporting EIRs.
- **Community Plan Exemption:** The following analysis demonstrates that the Project is consistent with the development density established by existing zoning and General Plan policies for which an EIR was certified (i.e., the Program EIRs). As such, the analysis presents substantial evidence that, other than Project-specific effects which may be peculiar to the Project or its site, the Project’s potential contribution to overall cumulatively significant effects has already been addressed as such in the Program EIRs, or will be substantially mitigated by the imposition of SCAs, as further described in Attachment A.
- **Qualified Infill Streamlining:** The following analysis demonstrates that the Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M; and is consistent with the General Plan land use designation, density, building intensity and applicable policies. As such, this environmental review is limited to an assessment of whether the Project may cause any project-specific effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.

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

7. Categorical Exemption Criteria

Article 19 of the California Environmental Quality Act (CEQA Guidelines Section 15300 to Section 15333) includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA.

7.1 CEQA Guidelines Section 15332 (Class 32 In-Fill Development)

Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines Section 15332 (Class 32) consists of projects characterized as in-fill development when meeting the following conditions:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare or threatened species;
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the Proposed Project properly qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development, and would not have a significant effect on the environment.

7.2 CEQA Guidelines Section 15300.2 (Exceptions)

Even if a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

- d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following analysis also presents substantial evidence that there are no exceptions that apply to the Proposed Project or its site, that the Proposed Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

8. CEQA Streamlining

The Project is also eligible for streamlined environmental review based on its consistency with a community plan (Guidelines Section 15183) and its qualification as an infill project (Section 15183.3)

8.1 CEQA Guidelines Section 15183 (Community Plan Exemption)

According to CEQA Guidelines Section 15183, a project that is consistent with the development density established by the existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”

The analysis in the Program EIRs—the 1998 LUTE EIR and, for only the residential component of the Project, the 2010 Housing Element Update EIR and the 2014 Addendum, as well as the 2011 Renewal Plan Amendments EIR—are applicable to the Project and are the Program EIRs providing the basis for use of the Community Plan Exemption.

As discussed in detail below, the Proposed Project would be consistent with the City’s General Plan policies and the density established in the City’s zoning code. Furthermore, the Proposed Project would be consistent with the 1998 General Plan Land Use and Transportation (LUTE) EIR, the 2010 EIR certified for the 2007-2014 Housing Element, 2015-2023 Housing Element of the General Plan and its associated 2014 Addendum to the EIR, and the 2011 Central District Urban Renewal Plan Amendments EIR (or Renewal Plan Amendments EIR) (collectively referred to as Program EIRs or Previous EIRs).

This CEQA Analysis concludes that the Proposed Project would not result in significant impacts that (1) are peculiar to the Project or Project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the Previous EIRs; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the Previous EIRs. Findings regarding the Proposed Project’s consistency with the zoning are included as **Attachment B** to this document.

8.2 CEQA Guidelines Section 15183.3 (Qualified In-fill Exemption)

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

designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the in-fill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.

The analysis herein considers the analysis in the 2011 Renewal Plan EIR; the 1998 LUTE EIR; and for the residential components of the Project only, the 2010 Housing Element Update EIR and the 2014 Addendum.

The following analysis demonstrates that the Proposed Project is located in an urban area on a site that has been previously developed; satisfies the performance standards provided in CEQA Guidelines Appendix M (refer to Attachment C, *In-fill Performance Standards*); and is consistent with the General Plan land use designation, density, building intensity, and applicable policies. Environmental review is therefore limited to an assessment of whether the Proposed Project may cause any project-specific effects, and relies on uniformly applicable development policies or standards to substantially mitigate cumulative effects.

This CEQA Analysis supports that the Project would not cause any new specific effects or more significant effects than previously identified in applicable planning level EIRs, and uniformly applicable development policies or standards (SCAs) would substantially mitigate the Project's effects. The Project is proposed on a previously developed site in downtown Oakland and is surrounded by urban uses. Furthermore, the Proposed Project is consistent with the land use, density, building intensity, and applicable policies for the site. Findings in support of the analysis are included in Attachment C to this document.

9. CEQA Exemption Checklist

This report provides substantial evidence to support a conclusion that, as separate and independent basis, the Proposed Project qualifies for exemptions under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development, CEQA Guidelines Section 15183 as a Community Plan Exemption, and CEQA Guidelines Section 15183.3 as a Qualified In-Fill Exemption; and would not have a significant effect on the environment. Specifically, this section presents the technical analyses, significance thresholds, and assumptions applied for traffic, noise, and air quality (including health risk) (GHG emissions are discussed under Section 10.7.2).

9.1 Criterion Section 15332(a): General Plan & Zoning Consistency

Yes No

- ☒ ☐ The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

9.1.1 General Plan

The General Plan land use designation of the Project site is Central Business District (CBD). As specified in the Land Use and Transportation Element (LUTE) of the General Plan, the desired character and uses within the CBD include "...a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses" (City of Oakland, 1998). The Proposed Project is an urban high-rise/high density residential development with commercial retail facilities, consistent with the character and uses of the CBD.

9.1.2 Zoning

The Project site is located in the *Central Business District Pedestrian Retail* (CBD-P) and *Central Business District General Commercial Zone* (CBD-C) zoning districts. According to the Oakland Planning Code, the intent of the CBD-P zone is to "create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." Further, the CBD-P zone allows for multi-family dwelling units, restaurant, and general retail uses. The intent of the CBD-C zone is to "create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities." According to the CBD Height Map included with 2009 amendments to the Planning Code (2009 CBD Zoning Regulations), the Project site is within Height Area 7. The Proposed Project is also designed to comply with the following design standards and regulations of the Planning Code:

- The Proposed Project requires a Major Conditional Use Permit for a building containing a total development square footage in excess of 100,000 square feet per Section 17.134.020 (A) (1) (e) of the Oakland Municipal Code (OMC).

- The Proposed Project also requires Regular Design Review Permit for new construction in the Central Business District, and is anticipated to meet all required conditions and findings.
- The Proposed Project would provide pedestrian-oriented local-serving commercial retail uses and upper-level residences, and is therefore directly consistent with the intent of the CBD-P and CBD-C zones. Within Planning Code Height Area 7, structures with a minimum height of 45 feet and a maximum base height of 120 feet are permitted. There is no maximum total building height limit in this designated area.
- While the base portion of a new building is permitted to 100 percent lot coverage, the tower above the base is restricted to 85 percent lot coverage to provide a setback from the base. The Proposed Project would be consistent with these height and lot coverage limitations.
- The CBD Zoning Regulations prescribe the permitted residential density for the Project site which, for Height Area 7, is a maximum residential density of one unit per 90 square feet of lot area. The Project site encompasses approximately 27,600 square feet of lot area (0.63 acres), which would permit up to 313 residential units on the site. The Proposed Project would include a total of 307 units. Therefore, the Project would be consistent with the maximum residential density prescribed in the Planning Code.
- The maximum non-residential floor-area ratio (FAR) allowed in the CBD, according to the CBD Zoning Regulations, is 20.0. FAR would not apply to the proposed residential development. The development (commercial and residential combined) calculates at a 13.97 FAR and is therefore within the maximum FAR.⁸

The Proposed Project adheres to the criteria of CEQA Guidelines Section 15332(a) as being consistent with the General Plan and applicable zoning regulations for the site.

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

Yes No

- ☒ ☐ The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses

The 0.63-acre Project site is located within the Oakland City limits in the urbanized downtown Central Business District, which is comprised of a dense mix of various land uses and development. An existing 24,267 square foot 3-story office building fronts Broadway on the Project site. Approximately 14,500 square feet of office space is occupied on the first and second floors of the existing office building. The third floor of the building is currently vacant.⁹ The Project site includes a surface parking lot located behind the existing building and extending to the north to 19th Street.

A five-story mixed-use residential building with ground floor retail is located adjacent to the existing building to the north (1770 Broadway), and is occupied by multiple restaurant and commercial tenants including Oaksterdam University, a cannabis educational facility; Zaya Café;

⁸ Per Section 17.09.040 of the Oakland Planning Code, FAR is calculated as gross floor building area divided by total site area, excluding parking. For the Proposed Project: approximately 385,436 (499,676 – 114,240 for the garage) gross square feet of building area divided by 27,600 square foot Project site, equals 13.97 FAR.

⁹ A short-term lease may be entered into for the third floor, but to be conservative, any potential future occupancy or use was not considered as part of the baseline conditions.

and Sweet Belly Desserts. A four-story office building with ground floor commercial uses is located adjacent to the existing building to the south (1724 Broadway). Staircase/escalator entrances descending to the 19th Street Bay Area Rapid Transit (BART) station are located in front of the adjacent buildings on either side of the existing building. The four-level Franklin Plaza Public Parking garage is located at the Project site's eastern border (1731 Franklin Street).

Based on these characteristics, the Proposed Project adheres to CEQA Guidelines Section 15332(b) as being within city limits on a Project site of no more than five acres and substantially surrounded by urban uses.

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

Yes No

☒ ☐ The project site has no value as habitat for endangered, rare or threatened species.

As discussed under criterion (b) above, the Proposed Project is located within the urbanized downtown, and as described in Section 5, Project Description, the Project site is currently fully developed. There are multiple street trees located in the public right-of-way along Broadway adjacent to the Project site. Due to lack of evidence of past rookery, the small number of trees and the distance between the street trees, these trees would not provide suitable nesting habitat for black-crowned night-heron (*Nycticorax nycticorax*), which are considered a "Special Animal" by the California Department of Fish and Wildlife (CDFW, 2017). If trees were to be removed as part of the Proposed Project, SCA BIO-1 would be required which would ensure that any nesting birds in existing trees during the nesting season would be avoided and protected. Additionally, if these trees qualify as Protected Tree per the City's Tree Protection Ordinance and are either identified for removal or site work would encroach upon the protected perimeter of any protected tree, SCA BIO-2 would apply and would be implemented by the Project Applicant. Surrounding properties are also fully developed with buildings and/or pavement. Therefore, the Project site provides no value habitat for any endangered, rare, or threatened plant or animal species, and therefore adheres to the criteria of CEQA Guidelines Section 15332(c).

9.3.1 Standard Conditions of Approval

As noted above the SCA's BIO-1 and BIO-2 listed below would be applicable to the Proposed Project during its construction period if any street trees would be removed and/or are identified as Protected Trees per the City's Tree Protection Ordinance. These SCA would be required to mitigate significant impacts related to biological resources.

SCA BIO-1: Tree Removal During Bird Breeding Season.

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be

surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. 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.

SCA BIO-2: Tree Permit

A. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

B. Tree Protection During Construction

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- 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, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the 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.
- 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.
- 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.

- 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.
- 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.

C. *Tree Replacement Plantings*

Requirement: 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:

- 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.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (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.
- 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.
- iv. Minimum planting areas must be available on site as follows:
 - For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
- 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.
- 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.

9.4 Criterion Section 15332(d): Traffic

Yes No

☒ ☐ Approval of the project would not result in any significant effects relating to traffic.

The Proposed Project traffic analysis prepared by Fehr & Peers evaluated the potential for the Proposed Project to result in significant effects relating to traffic. The analysis concluded that the Proposed Project would not exceed the City's applicable significance thresholds related to traffic. Based on the results of this analysis by Fehr & Peers below, the Proposed Project would not result in any significant traffic or transportation-related impacts, and there is no exception to the Class 32 exemption relative to traffic or transportation criteria.

9.4.1 Significance Thresholds

As stated above, this analysis focuses on the significance thresholds most pertinent to the City's assessment of whether an exemption is viable for the Proposed Project. For purposes of this environmental review document, the following lists the significance thresholds relevant to the assessment of the Proposed Project's ability to meet the conditions of a categorical exemption.

According to the City of Oakland's *Transportation Impact Review Guidelines* (April 14, 2017), a project would have a significant effect on the environment if it would:

1. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay); or
2. Cause substantial additional VMT per capita, per service population, or other appropriate efficiency measure; or
3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network.

9.4.2 Assumptions and Analysis

9.4.2.1 *Conflicts with Plans, Ordinances, or Policies Relating to Safety, or Performance of the Circulation System (Threshold 1)*

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

The LUTE, as well as the City's *Public Transit and Alternative Mode and Complete Streets* policies, states a strong preference for encouraging the use of non-automobile transportation modes, such as transit, bicycling, and walking. The Project would encourage the use of non-automobile

transportation modes by providing residential and retail uses in a dense, walkable urban environment that is well-served by both local and regional transit.

The Project is consistent with both the City's *Pedestrian Master Plan and Bicycle Master Plan* as it would not make major modifications to existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of future facilities. Further, because the Project would generate more than 50 peak hour trips, preparation and implementation of a Transportation Demand Management Plan (TDM Plan) is required (see Appendix A). The TDM Plan includes on-going operational strategies, as well as infrastructure improvements, that encourage the use of non-automobile travel modes.

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

9.4.2.2 Vehicle Miles Traveled (VMT) Assessment (Threshold 2)

On September 21, 2016, the City of Oakland's Planning Commission directed staff to update the City of Oakland's California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines related to transportation impacts in order to implement the directive from Senate Bill 743 (Steinberg 2013) to modify local environmental review processes by removing automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to CEQA. The Planning Commission direction aligns with draft proposed guidance from the Governor's Office of Planning and Research and the City's approach to transportation impact analysis; and with adopted plans and policies related to transportation that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Consistent with the Planning Commission direction and Senate Bill 743 requirements, the City of Oakland published the revised Transportation Impact Review Guidelines (TIRG) on April 14, 2017 to guide the evaluation of the transportation impacts associated with land use development projects.

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

Given these travel behavior factors, most of Oakland has lower VMT per capita and VMT per worker ratios than the nine-county San Francisco Bay Area region. Further, within the City of Oakland, some neighborhoods may have lower VMT ratios than others.

VMT Estimate

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

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

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

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

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

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

Thresholds of Significance for VMT

According to the City of Oakland TIRG, the following are thresholds of significance related to substantial additional VMT:

- For residential projects, a project would cause substantial additional VMT if it exceeds existing regional household VMT per capita minus 15-percent.

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

Screening Criteria

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

1. **Small Projects:** The project generates fewer than 100 vehicle trips per day.
2. **Low-VMT Areas:** The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15-percent or more below the regional average.
3. **Near Transit Stations:** The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop¹⁰ and satisfies the following:
 - Has a Floor Area Ratio (FAR) of more than 0.75,
 - Includes less parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site), and
 - Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the MTC).

Impact Analysis

The Project satisfies the Low-VMT Area (#2) and Near Transit Stations (#3) criteria as described below.

Criterion #1: Small Projects

The Project would generate more than 100 vehicle trips per day and therefore does not meet criterion #1.

Criterion #2: Low-VMT Area

Table 9.4-1 shows the estimated 2020 and 2040 VMT per capita for TAZ 971, the TAZ in which the Project is located, as well as the applicable VMT thresholds of 15-percent below the regional average. As shown in Table 9.4-1, the 2020 and 2040 estimated average daily VMT per capita in the project TAZ is less than the regional averages minus 15-percent. The project meets criterion #2.

¹⁰ "Major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

**TABLE 9.4-1
DAILY VEHICLE MILES TRAVELED SUMMARY**

Land Use	Bay Area				TAZ 971	
	2020		2040		2020	2040
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%		
Residential (VMT per Capita) ^a	15.0	12.8	13.8	11.7	4.5	4.1

NOTES:

^a MTC Model results at analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita and accessed in October 2017.

SOURCE: Fehr & Peers, 2017.

Criterion #3: Near Transit Stations

The Proposed Project would be located adjacent to the 19th Street BART Station and within 0.2 miles of frequent bus service along Broadway (Route 18 with 15-minute peak headways, and Route 51A with 10-minute peak headways) and 20th Street (Thomas L. Berkeley Way) (Route 6 with 10-minute peak headways and Routes 72/72M/72R with 10- to 12-minute peak headways). The Project would satisfy Criterion #3 because it would meet the following three conditions for this criterion:

- The Project would have a FAR of 13.8, which is greater than 0.75.
- The Project would include 170 parking spaces for Project residents, which corresponds to 0.55 parking spaces per unit, and no commercial parking. The Project would not designate any spaces for Project visitors or retail employees. The City of Oakland Planning Code (Section 17.116.060) has no parking minimum requirement and allows a maximum of 1.25 spaces per unit for multi-family residential developments in the CBD-P and CBD-C zones. The number of parking spaces provided by the Project would be below the maximum parking supply allowed by the Planning Code. Based on census data, the average current vehicle ownership is about 1.1 vehicles per household in downtown Oakland. Therefore, the Project would not provide more parking for use by residents, customers, or employees than other typical nearby uses, nor would it provide more parking than required by City Code.
- The Project is located within the Downtown and Jack London Square Priority Development Area (PDA) as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy.

VMT Screening Conclusion

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

According to the TIRG, retail spaces less than 80,000 square-feet are considered local serving and are not expected to contribute to an increase in VMT. Therefore, it is presumed that the Project, which would include approximately 5,000 square feet of retail space, would not result in substantial additional VMT and project impacts with respect to VMT would be less than significant.

9.4.2.3 Induced Automobile Travel (Threshold 3)

The Project would not modify the roadway network surrounding the Project site. Therefore, it would not increase the physical roadway capacity or add new roadways to the network, and therefore would not induce additional automobile traffic. This is a less-than-significant impact; no mitigation measures are required.

9.4.2.4 Conclusion

The Proposed Project would not conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, cause substantial additional VMT, or substantially induce additional automobile travel. Therefore, the Proposed Project would have a less-than-significant impact according to the City of Oakland's *Transportation Impact Review Guidelines*.

While not required under the City's thresholds of significance, a trip generation analysis, a site plan review, and a collision analysis were provided for informational purposes. The analysis and recommendations that could improve multi-modal access, circulation, and safety are described in Appendix B.

9.4.3 Standard Conditions of Approval

Although not required to mitigate a significant impact under CEQA, the Project applicant would adhere to the conditions of SCA TRA-1 through SCA TRA-5, as described below.

SCA TRA-1: Construction Activity in the Public Right-of-Way *Prior to approval of construction-related permit, and prior to building permit.*

A. Obstruction Permit Required

Requirement: 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.

B. Traffic Control Plan Required

Requirement: 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.

C. Repair of City Streets

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one

week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

SCA TRA-2: Bicycle Parking *Prior to approval of construction-related permit.*

Requirement: 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.

SCA TRA-3: Transportation Improvements.

Requirement: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:

- a. 2070L Type Controller with cabinet accessory
- b. GPS communication (clock)
- c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)
- d. Countdown pedestrian head module switch out
- e. City Standard ADA wheelchair ramps
- f. Video detection on existing (or new, if required)
- g. Mast arm poles, full activation (where applicable)
- h. Polara Push buttons (full activation)
- i. Bicycle detection (full activation)
- j. Pull boxes
- k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum

- l. Conduit replacement contingency
- m. Fiber switch
- n. PTZ camera (where applicable)
- o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor
- p. Signal timing plans for the signals in the coordination group
- q. Bi-directional curb ramps (where feasible, and if project is on a street corner)
- r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)

SCA TRA-4: Transportation and Parking Demand Management *Prior to approval of a planning application and issuance of a final inspection of the building permit.*

A. Transportation and Parking Demand Management Plan Required

Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

The goals of the TDM Plan shall be the following:

- a. Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
- b. Achieve the following project vehicle trip reductions (VTR):
- c. Projects generating 50-99 net new AM or PM peak hour vehicle trips: 10 percent VTR
- d. Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR
- e. Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
- f. Enhance the City's transportation system, consistent with City policies and programs

The TDM Plan should include the following:

- a. Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
- b. Proposed TDM strategies to achieve VTR goals (see below).

For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.

The following TDM strategies **must** be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.

Improvement	Required by code or when...
Bus boarding bulbs or islands	<ul style="list-style-type: none"> A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb
Bus shelter	<ul style="list-style-type: none"> A stop with no shelter is located within the project frontage, or The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	<ul style="list-style-type: none"> A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	<ul style="list-style-type: none"> Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and The project would generate 500 or more daily bicycle trips
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements¹¹	<ul style="list-style-type: none"> Identified as an improvement within site analysis
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required
No monthly permits and establish minimum price floor for public parking¹²	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis
Pedestrian-supportive signal changes¹³	<ul style="list-style-type: none"> Identified as an improvement within operations analysis

¹¹ Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

¹² May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

¹³ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

Improvement	Required by code or when...
Real-time transit information system	<ul style="list-style-type: none"> • A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	<ul style="list-style-type: none"> • A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades¹⁴	<ul style="list-style-type: none"> • Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts an intersection with signal infrastructure older than 15 years
Transit queue jumps	<ul style="list-style-type: none"> • Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> • Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and • A major transit improvement is identified within operations analysis requiring traffic signal interconnect
Unbundled parking	<ul style="list-style-type: none"> • If proposed parking ratio exceeds 1:1.25 (residential)

Other TDM strategies to consider include, but are not limited to, the following:

- a. Inclusion of additional long term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan, and Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- b. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping.
- c. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- d. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively) and any applicable streetscape plan.
- e. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- f. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).

¹⁴ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

- g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.
- h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- i. Guaranteed ride home program for employees, either through 511.org or through separate program.
- j. Pre-tax commuter benefits (commuter checks) for employees.
- k. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.
- m. Distribution of information concerning alternative transportation options.
- n. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- o. Parking management strategies; including attendant/valet parking and shared parking spaces.
- p. Requiring tenants to provide opportunities and the ability to work off-site.
- q. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten hour days; allowing employees to work from home two days per week).
- r. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.

B. TDM Implementation- Physical Improvements

Requirement: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.

C. TDM Implementation- Operational Strategies

Requirement: For projects that generate 100 or more net new AM or PM peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

SCA TRA-5: Transportation Impact Fee *Prior to issuance of a building permit.*

Requirement: 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).

9.4.4 Conclusion

The Proposed Project would not exceed the City's applicable significance thresholds related to traffic. The Proposed Project would not result in a significant effect relating to traffic and would therefore adhere to the criteria of CEQA Guidelines Section 15332(d). The Proposed Project would also include recommendations that would improve multi-modal access and circulation. Moreover, the Proposed Project would incorporate all applicable Oakland SCAs addressing TDM, construction, and operation-generated traffic as listed above and included in Attachment A.

9.5 Criterion Section 15332(d): Noise

Yes No

☒ ☐ Approval of the project would not result in any significant effects relating to noise.

The following analysis evaluates the potential for the Proposed Project to result in significant effects relating to noise. The analysis concludes that the Proposed Project would not exceed the City's applicable significance thresholds related to noise. The Proposed Project would therefore result in less-than-significant noise impacts and there is no exception to the Class 32 exemption relative to noise criteria.

9.5.1 Significance Thresholds

For purposes of this environmental review document, the following lists the City of Oakland's CEQA Significance Thresholds considered most pertinent to this assessment of the Proposed Project to meet the conditions of a categorical exemption.

1. *Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies*

recommend measures to reduce potential impacts:¹⁵ During the hours of 7 PM to 7 AM on weekdays and 8 PM to 9 AM on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard;

2. *Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise;*
3. *Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3 dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project) [NOTE: Outside of a laboratory, a 3 dBA change is considered a just-perceivable difference. Therefore, 3 dBA is used to determine if the project-related noise increases are cumulative considerable.]*

CEQA mandates that for projects that qualify for an exemption, any potential impacts related to the significance criteria listed below cannot be peculiar to the Proposed Project or Project site and can be mitigated to a less-than-significant level by the imposition of City regulations and application of the City's Standard Conditions of Approval. As such, additional analysis is not required.

4. *Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise;*

The Proposed Project would comply with the City of Oakland Noise Ordinance and therefore the impact with respect to criterion 4 would be less than significant.

5. *Expose persons to interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24);*

Although CEQA requires the analysis of potential adverse effects of a project on the environment, potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. This analysis nevertheless assesses potential effects of "the environment on the project" in order to provide information to decision-makers. The Proposed Project would comply with the applicable California Noise Insulation Standards and therefore the impact with respect to criterion 5 would be less than significant.

6. *Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval;*

The Proposed Project would incorporate applicable SCAs and would be consistent with the land use compatibility guidelines of the General Plan, and therefore the impact with respect to criterion 6 would be less than significant.

¹⁵ The acoustical analysis must identify, at a minimum, (a) the types of construction equipment expected to be used and the noise levels typically associated with the construction equipment and (b) the surrounding land uses including any sensitive land uses (e.g., schools and childcare facilities, health care and nursing homes, public open space). If sensitive land uses are present, the acoustical analysis must recommend measures to reduce potential impacts.

7. *Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]);*

The Proposed Project would comply with all applicable noise standards and therefore the impact with respect to criterion 7 would be less than significant.

8. *During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA);*

The Proposed Project would not generate groundborne vibration in excess of the criteria established by the FTA and therefore the impact with respect to criterion 8 would be less than significant.

9. *Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels; or*

The Project site is not located within an airport land use plan and therefore the Proposed Project would have no impact with respect to criterion 9.

10. *Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels.*

The Project site is not located within the vicinity of a private airstrip and therefore the Proposed Project would have no impact with respect to criterion 10.

9.5.2 Methodology and Analysis

9.5.2.1 Construction Noise

The Proposed Project would result in construction noise and vibration impacts similar to most high-rise construction projects in a similar urbanized downtown setting. No specific noise study was conducted for construction noise because the Project is subject to the City's SCAs related to construction noise levels. With implementation of the required SCAs included in Attachment A at the end of this CEQA Analysis (specifically SCA NOI-1 through SCA NOI-8), the Project would not result in significant effects related to noise and vibration. There is nothing unique or peculiar about the Project or its construction that would suggest that the Proposed Project would have greater noise impacts than other typical high-rise construction projects within Downtown Oakland, and compliance with City SCAs would ensure the impacts from noise are less than significant.

9.5.2.2 Operational Noise

For operational noise impacts from Project-related traffic increase, the analysis relies upon vehicle trip generation and distribution in the Transportation analysis for the Proposed Project (see Section 9.4 above). Peak hour intersection turning data from the TIS were analyzed to evaluate traffic volume increases and resulting traffic-generated noise increases on roadway links most affected by Project-related traffic. The roadway segments analyzed and the results of the noise increases determined by modeling are shown in **Table 9.5-1**, below.

As shown in Table 9.5-1, traffic from the Existing plus Project scenario compared to the Existing scenario would increase peak hour noise levels by less than 5.0 dBA at all roadway segments. The roadway segment of 19th Street between Broadway and Franklin Street would experience the greatest increase in traffic noise due to the Proposed Project, which would be 0.7 dBA above existing traffic noise levels. However, as the noise increase would not exceed 5.0 dBA, the noise impact on these roadway segments is not considered to be significant. Overall, traffic noise impacts associated with the Project at all analyzed roadway segments in the project vicinity would be less than significant.

**TABLE 9.5-1
PEAK-HOUR TRAFFIC NOISE LEVELS IN THE VICINITY OF THE PROJECT**

Roadway Segment ^{a,b}	(A) Existing	(B) Existing Plus Project	(B-A) Difference between Existing Plus Project and Existing ^c	(C) Cumulative No Project (2040)	(D) Cumulative Plus Project (2040)	(D-A) Difference between Cumulative Plus Project and Existing	(D-C) Difference between Cumulative Plus Project and Cumulative No Project ^d
19 th Street east of Broadway	64.2	64.9	+0.7	66.0	66.1	+1.9	+0.1
19 th Street west of Franklin	63.9	64.4	+0.5	65.7	66.1	+2.2	+0.4
Franklin south of 19 th Street	64.5	64.9	+0.4	66.5	66.8	+2.3	+0.3
17 th Street east of Broadway	63.6	64.1	+0.5	65.3	65.5	+1.9	+0.2
17 th Street west of Broadway	63.0	63.4	+0.4	65.5	65.7	+2.7	+0.2

NOTES:

- ^a Road center to receptor distance is 15 meters (approximately 50 feet) for all roadway segments. Noise levels were determined using the Federal Highway Administration (FHWA) Traffic Noise Prediction Model.
- ^b The analysis considered the vehicle mix based on – cars 95 percent, medium trucks three percent, and heavy trucks two percent. Traffic speeds for all vehicle classes were set at 30 mph.
- ^c Considered significant if the incremental increase in noise from traffic is greater than the existing ambient noise level by 5.0 dBA Leq, per City of Oakland, CEQA Thresholds/Criteria of Significance Guidelines.
- ^d Considered a cumulatively considerable contribution to a significant noise increase if the incremental increase in noise is greater than 3 dBA.

SOURCE: ESA, 2017.

The Proposed Project would include stationary sources of noise such as heating, ventilating, and air conditioning (HVAC) mechanical equipment standardized for noise reduction as well as an emergency generator. Stationary equipment would operate within the restrictions of the City's Noise Ordinance. Chapter 17.120.050 of the City of Oakland Planning Code specifies the maximum sound level received at residential, public open spaces and commercial land uses. Compliance with SCA NOI-7 listed below would ensure compliance with noise limits in the City's ordinance and would result in a less-than-significant impact from these sources.

9.5.2.3 Cumulative Noise

For the cumulative analysis, roadway noise contribution is assumed to occur from the greatest cumulative increase analyzed. Table 9.5-1 above shows that the increase in traffic from Existing (2016) to the Cumulative plus Project (2040) scenario would increase peak hour traffic noise levels by less than 5.0 dBA for all roadway segments. Thus, the cumulative roadway noise impact would be less than significant.

As noted above, the Proposed Project would generate noise from heating, ventilating, and air conditioning (HVAC) mechanical equipment. HVAC equipment would operate within the restrictions of the City's Noise Ordinance. Chapter 17.120.050 of the City of Oakland Planning Code specifies the maximum sound level received at residential, public open spaces and commercial land uses. This restriction can be used in combination with the predicted roadway noise level increase presented in Table 9.5-1 above to estimate a worst-case prediction of cumulative noise increase from both stationary and roadway noise sources. **Table 9.5-2** presents the cumulative noise increase at the nearest existing sensitive receptor abutting the Project site to the north from both roadway and stationary sources. A cumulative noise increase of less than 5.0 dBA over existing monitored conditions is predicted to occur at this location. This determination assumes stationary sources on the Project site operating at the maximum property line limit allowed by the noise ordinance. When the contribution from maximum allowable stationary source noise is added to noise from cumulative traffic increase, the cumulative increase in noise level at this receptor would be 0.7 dBA and thus is considered less than significant.

**TABLE 9.5-2
PEAK-HOUR CUMULATIVE NOISE LEVELS AT SENSITIVE RECEPTORS IN THE PROJECT AREA**

Location	(A) Monitored Noise Level (Leq, dBA)	(B) Stationary Source Restriction (L ₃₃ , dBA)	(C) Cumulative Traffic Noise Level Increase (Leq)	(D) (A+B)+C Resultant Cumulative Noise Level (Leq)	(D-A) Increase in Noise Level over Existing Monitored
1750 Broadway	67.9 ^a	60	+1.9	68.6	+0.7

NOTE:

^a Existing monitored noise levels are greater than the noise estimated from existing traffic on Broadway as the monitored noise level in an ambient noise measurement that includes other sources such as pedestrian noise, vehicle parking noise and audible street crossing signals in addition to traffic noise.

SOURCE: ESA, 2017.

9.5.3 Standard Conditions of Approval

As noted above the SCA's NOI-1 through NOI-5 listed below would be applicable to the Proposed Project during its construction period and are required to mitigate significant impacts related to construction noise and vibration.

SCA NOI-1: Construction Days/Hours During construction.

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
- b. Construction activities are limited to between 9:00 AM and 5:00 PM on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 AM to 5:00 PM only within the interior of the building with the doors

and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.

- c. No construction activity shall take place on Sundays or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non- enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

SCA NOI-2: Construction Noise *During construction.*

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

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

SCA NOI-3: Extreme Construction Noise *Prior to approval of construction-related permit and during construction.*

A. Construction Noise Management Plan Required

Requirement: 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:

- a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

B. Public Notification Required

Requirement: 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.

SCA NOI-4: Project-Specific Construction Noise Reduction Measures *Prior to approval of construction-related permit.*

Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on adjacent residences. The project applicant shall implement the approved Plan during construction.

SCA NOI-5: Construction Noise Complaints *Prior to approval of construction-related permit.*

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction

noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

- a. Designation of an on-site construction complaint and enforcement manager for the project;
- b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
- c. Protocols for receiving, responding to, and tracking received complaints; and
- d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

With implementation of required SCAs, the Proposed Project's construction noise would not violate the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, and would not generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise; therefore, the impact would be less than significant.

In addition, the Project applicant would be required to adhere to the conditions of SCA NOI-6 and SCA NOI-7, as described below to address noise exposure of the Proposed Project receptors and operational Project noise.

SCA NOI-6 Exposure to Community Noise *Ongoing*

Requirement: 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:

- a. 45 dBA: Residential activities, civic activities, hotels;
- b. 50 dBA: Administrative offices; group assembly activities;
- c. 55 dBA: Commercial activities; and,
- d. 65 dBA: Industrial activities.

SCA NOI-7: Operational Noise *Ongoing*

Requirement: 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.

With implementation of required SCAs, the Proposed Project's operational noise would not violate the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120) regarding operational noise, and the impact would be less than significant.

In addition, NOI-8 listed below would be applicable to the Proposed Project during its construction period and would be required to mitigate significant impacts related to construction vibration.

SCA NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities *Prior to Construction.*

Requirement: 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 1770 Broadway abutting the Project site to the north. 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.

9.5.4 Conclusion

The Proposed Project would not exceed the City's applicable significant thresholds related to noise. Implementation of the SCAs described above would reduce construction noise impacts to a less-than-significant level. Noise from project operations (from vehicular and stationary sources) would increase peak hour noise levels by less than 5.0 dBA at all roadway segments in the Project vicinity and therefore would be less than significant. As a result, the Proposed Project would not result in a significant effect relating to noise and would adhere to the criteria of CEQA Guidelines Section 15332(d).

9.6 Criterion Section 15332(d): Air Quality

Yes No

☒ ☐ Approval of the project would not result in any significant effects relating to air quality.

The analysis presented below evaluates the potential for the Proposed Project to result in significant effects relating to air quality. Based on the results of the analysis, the Proposed Project would not result in any significant impacts and there is no exception to the Class 32 exemption relative to air quality criteria.

Pursuant to CEQA, lead agencies must apply appropriate thresholds based on substantial evidence in the record. The City's air quality thresholds rely upon the technical and scientific basis of the Bay Area Air Quality Management District's (BAAQMD) 2010 thresholds. The City's thresholds are consistent with and authorized by CEQA Guidelines §15064. They have not been challenged and remain in effect. The methodology used for assessing air quality impacts (e.g. calculating air pollution emissions and potential health impacts) is based on the latest version of BAAQMD's CEQA Guidelines and guidelines published by other regional, state, and federal regulatory agencies.

Though the BAAQMD most recently updated its CEQA Air Quality Guidelines in May 2017, there have been no substantive changes to the data and assumptions underlying the analytical methodologies, significance thresholds and mitigation strategies since the update in June 2010.

These guidelines do not recommend quantitative significance thresholds, but recommend lead agencies develop their own thresholds of significance offering, as possibilities, thresholds in its 1999 Guidelines, a table of thresholds promulgated by other California air districts, as well as a reference to California Air Pollution Control Officers Association and State Air Resources Board guidance. Reference to the BAAQMD CEQA Thresholds Options and Justification Report developed by district staff in 2009 is also an option and one that provides lead agencies with a justification for continuing to rely on the BAAQMD 2010 thresholds. Based on this, the City's Thresholds for air quality appropriately rely upon and are generally based upon the BAAQMD 2010 CEQA Guidelines and Thresholds. The BAAQMD has initiated another update to reflect new or revised requirements in the State CEQA Guidelines, recent court decisions, improved analytical methodologies, and new mitigation strategies. As part of this update, the BAAQMD also intends to review current thresholds of significance criteria and establish new significance criteria where needed.

9.6.1 Significance Thresholds

As stated above, this analysis focuses on the significance thresholds most pertinent to the City's assessment of whether an exemption is viable for the Proposed Project. For purposes of this environmental review document, the following lists the significance thresholds relevant to the assessment of the Proposed Project's ability to meet the conditions of a categorical exemption. A summary of these thresholds is shown in **Table 9.6-1**.

1. During project construction result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀;
2. During project operation result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or PM_{2.5} or 15 tons per year of PM₁₀;
3. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour [NOTE: Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects in which (a) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways)];
4. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) an increase in non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM_{2.5} of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new TAC sources consider sensitive receptors located within 1,000 feet. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers. The cumulative analysis should consider the combined risk from all TAC sources.];

5. Expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter [NOTE: Pursuant to the BAAQMD CEQA Guidelines, when siting new sensitive receptors consider TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, major roadways (10,000 or greater vehicles per day), truck distribution centers, airports, seaports, ferry terminals, and rail lines. For this threshold, sensitive receptors include residential uses, schools, parks, daycare centers, nursing homes, and medical centers]; or
6. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people [NOTE: For this threshold, sensitive receptors include residential uses, schools, daycare centers, nursing homes, and medical centers (but not parks)].

Pursuant to CEQA mandates for projects qualifying for an exemption, any potential impact related to the significance criteria listed below which are not peculiar to the Proposed Project or Project site and can be mitigated to a less-than-significant level by the imposition of city regulations and application of the City's SCA does not require additional analysis.

The Proposed Project would not create or expose sensitive receptors to substantial objectionable odors and therefore the impact with respect to criterion 6 would be less than significant.

**TABLE 9.6-1
SUMMARY OF CITY'S CEQA SIGNIFICANCE THRESHOLDS APPLIED IN THIS ANALYSIS**

	Construction- Related Thresholds of Significance	Operational Thresholds of Significance	
	Maximum Daily Emissions (pounds/day)	Maximum Daily Emissions (pounds/day)	Annual Emissions (tons/year)
Criteria Pollutants and Precursors (Regional)			
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 ^a	82 ^b	15 ^b
PM _{2.5}	54 ^a	54 ^b	10 ^b
PM ₁₀ (Fugitive Dust)	Best Management Practices	N/A	N/A
Criteria Air Pollutants and Precursors (Local)			
CO	None	9.0 ppm (8-hour average) 20.0 ppm (1-hour average)	
Risks and Hazards			
Siting a New Source or Receptor (Individual Project)	Cancer Risk: >10 in a million Non-Cancer Hazard Index: >1.0 PM _{2.5} Level: >0.3 µg/m³ annual average	Cumulative Cancer Risk: >100 in a million Cumulative Non-Cancer Hazard Index: >10.0	

NOTES:

^a Includes exhaust emissions only^b Includes total emissions

SOURCE: City of Oakland; BAAQMD, 2013.

9.6.2 Assumptions and Analysis

Criteria air pollutant emissions would be generated during both construction and operational phases of the Proposed Project.

9.6.2.1 Project Construction

Assumptions and Methodology

The average daily construction emissions for the Proposed Project were calculated using CalEEMod (version 2016.3.1) based on a worst-case construction scenario using the following assumptions:

- Demolition of the existing building totaling an area of 27,600 square feet;
- Construction of 307 residential units and 5,000 square feet of retail space;
- Project site area of 0.63 acres;
- Export of approximately 24,500 cubic yards of excavated materials;
- The duration of the various construction phases (e.g., demolition, grading, building construction, etc.) based on CalEEMod default values were adjusted to add up to the total Project construction duration of 28 months provided by the applicant;
- The number and types of construction equipment used during each phase and the number of off-road vehicle trips were primarily based on CalEEMod defaults with a few changes provided by the applicant;
- Total Project construction duration of 28 months beginning in early 2019.

Construction Air Emissions Analysis

The average daily construction emissions estimated for the Proposed Project based on the assumptions stated above are shown in **Table 9.6-2** below.

TABLE 9.6-2
UNMITIGATED AVERAGE DAILY EMISSIONS FROM CONSTRUCTION (POUNDS PER DAY)^a

	ROG	NO _x	PM ₁₀	PM _{2.5}
Average Daily Construction Emissions	9.6	22.3	0.9	0.8
City of Oakland Thresholds	54	54	82	54
Significant?	No	No	No	No

NOTES:

^a Project construction emissions estimates were made using CalEEMod, version 2016.3.1. Emissions shown are daily emissions averaged over the construction period of the project.

SOURCE: ESA, 2017.

As shown in Table 9.6-2, average daily construction emissions for the Proposed Project would not exceed the City's Thresholds for ROG, NO_x, PM₁₀ or PM_{2.5}. These thresholds were developed to represent a cumulatively considerable contribution to regional air quality and as such, represent not only a project level threshold but a cumulative threshold as well. Thus, the cumulative impacts of the Proposed Project would also be less than significant.

9.6.2.2 Operational Air Emissions

Operational Air Emissions Assumptions

The daily operational emissions for the Proposed Project were also estimated using CalEEMod and were based on the following assumptions:

- The vehicle trip generation rates that were input into CalEEMod were derived from Institute of Transportation Engineers (ITE) Trip Generation (9th Edition) and adjusted with a reduction factor of 46.9 percent based on City of Oakland Transportation Impact Study Guidelines data for development in an urban environment within 0.5 miles of a BART Station;
- The operational emissions generated assumed a default number of fireplaces, with all fireplaces gas-fired, with no wood burning fireplaces or woodstoves;
- Model default energy consumption rates reflecting 2013 Title 24 demand were adjusted down 28 percent for residential uses and five percent for nonresidential uses to reflect improvements in the 2016 update to Title 24, which became effective on January 1, 2017;
- All wastewater generated was assumed to be aerobically processed at the EBMUD plant. Septic and lagoons contributions were set to a zero percentage;
- Twenty percent reduction in indoor water use was assumed for all uses to account for required compliance with the City's CalGreen code;
- A backup diesel generator was assumed pursuant to California Building Code Requirements for buildings of this height. The generator was assumed to have a rating of 750 kW (1000 hp), and was assumed to be operated for testing and maintenance purposes for a maximum of 1 hour per test day and a maximum of 50 hours per year.
- All other inputs in CalEEMod were based on model default values.

The daily operational emissions for the Proposed Project based on these assumptions are shown in **Table 9.6-3** below.

Operational Air Emissions Analysis

As shown in Table 9.6-3, annual average daily regional emissions for the Proposed Project would not exceed the City's thresholds for ROG, NO_x, PM₁₀ or PM_{2.5}. Existing operational emissions at the site were deducted from Proposed Project emissions to calculate the net increase in emissions and compared to the thresholds. These thresholds were developed to represent a cumulatively considerable contribution to regional air quality and as such, represent not only a project-level threshold but a cumulative threshold as well. Thus, the operational air emissions for the Proposed Project are less than significant.

**TABLE 9.6-3
UNMITIGATED AVERAGE DAILY EMISSIONS FROM OPERATION (POUNDS PER DAY)^a**

	ROG	NO_x	PM₁₀	PM_{2.5}
Area Source Emissions	7.8	0.3	0.08	0.08
Energy Emissions	0.1	0.7	0.1	0.1
Project Mobile Source Emissions ^b	1.7	11.5	5.4	1.5
Backup Diesel Generator	0.2	1.0	0.03	0.03
Total Proposed Project Emissions	9.8	13.5	5.6	1.7
Less Existing Emissions	0.5	1.0	0.41	0.12
Net Increase in Emissions from Proposed Project	9.3	12.4	5.2	1.6
City of Oakland Thresholds	54	54	82	54
Significant (Yes or No)?	No	No	No	No

NOTES:

^a Project operational emissions were estimated using CalEEMod, version 2016.3.1.

^b Mobile source emissions are based on ITE trip generation rates (9th edition) for the proposed uses adjusted with a reduction assumed based on City of Oakland Transportation Impact Study Guidelines data for development in an urban environment within 0.5 miles of a BART Station.

SOURCE: ESA, 2017.

Carbon Monoxide (CO)

The Bay Area was designated as attainment with respect to carbon monoxide standards in April 1998. Since then regional concentrations of CO in the Bay Area have not exceeded the state or national ambient air quality standards. The primary source of CO emissions from development projects is vehicle traffic. Construction-related CO emissions represent less than one percent of the Bay Area total basin-wide CO emissions and are not expected to cause exceedances. Given the low background concentrations, project operational traffic is also not likely to contribute to exceedances even during peak traffic hours. Furthermore, the BAAQMD has demonstrated, based on modeling, that in order to exceed the California ambient air quality standard of 9.0 ppm (8-hour average) or 20.0 ppm (1-hour average) for CO, Project traffic in addition to existing traffic would need to exceed 44,000 vehicles per hour at affected intersections (or 24,000 vehicles per hour where vertical and/or horizontal mixing is limited). In Oakland, only the MacArthur Maze portion of Interstate 580 exceeds the 44,000 vehicles per hour screening criteria. Consequently, CO impacts from Project traffic at intersections in the Project vicinity would be less than significant.

9.6.2.3 Health Risk

Toxic Air Contaminants (TACs) are types of air pollutants that can cause health risks. TACs do not have ambient air quality standards, but are regulated using a risk-based approach. This approach uses a health risk assessment to determine what sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis of exposure to toxic substances and human health risks from exposure to toxic substances is estimated, based on the potency of the toxic substances. Such an assessment evaluates chronic, long-term effects, calculating the increased risk of cancer as a result of exposure to one or more TACs.

Under the City's CEQA significance thresholds new projects containing sensitive receptors (residences, schools, or medical facilities) are required to be evaluated to determine whether those receptors would be exposed to health risks from existing nearby sources of TACs. In siting new sensitive receptors, existing TAC sources located within 1,000 feet including, but not limited to, stationary sources, freeways, and major roadways (10,000 or greater vehicles per day) should be considered. The BAAQMD provides a publicly available inventory of TAC-related health risks for permitted sources throughout the San Francisco Bay Area Air Basin as well as for freeways. The inventory presents community risk and hazards from screening tools and tables that are intentionally conservative. The screening-level risk factors derived from the BAAQMD's tools are intended to indicate whether additional review related to the impact is necessary and are not intended to be used to assess actual risk for projects.

Health risks to sensitive receptors from exposure to TACs generated during project construction and operation, as well as the exposure of new sensitive receptors introduced by the Proposed Project to substantial ambient levels of TACs have been evaluated below.

Project Analysis

Construction Health Risk

Construction-related activities over the 28-month construction period would result in the generation of TACs, specifically diesel PM, from on-road heavy-duty trucks and off-road equipment. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations.

Regarding construction TACs emissions, BAAQMD recommends that a Health Risk Assessment (HRA) be conducted when sensitive receptors are located within 1,000 feet of project construction activities. Sensitive receptors in the form of residential uses are located within 100 feet of the Project site to the north. Consequently, a HRA was conducted to determine the level of risk generated by construction-related TACs at these and other nearby receptors. In accordance with Office of Environmental Health Hazard Assessment's (OEHHA) 2015 *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, the HRA applied the highest estimated concentrations of TACs at the receptors analyzed to established cancer potency factors and acceptable reference concentrations for non-cancer health effects. The maximum diesel particulate matter (DPM) concentration as modeled using American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) dispersion model occurred at the residential receptors at 1770 Broadway abutting the Project site's northern boundary. This would be considered the Maximum Exposed Individual Receptor (MEIR). Increased cancer risks were calculated using the modeled maximum DPM concentrations and OEHHA-recommended methodologies for infant (3rd trimester through 2 years of age), child, and adult exposure. Detailed assumptions and analysis of the HRA are presented in Appendix C.

Table 9.6-4 shows the cancer risk, chronic Hazard Index (HI) and PM_{2.5} concentration at the MEIR from Project-related construction activities for residential infant, child and adult receptors. Cancer risk from uncontrolled Project construction emissions to infant and child receptors at the MEIR would exceed the City's CEQA significance thresholds. However, the Proposed Project would be required to implement enhanced construction-related diesel particulate matter controls pursuant to SCA AIR-3 which would reduce diesel PM exhaust emissions by requiring the most effective California Air Resources Board (CARB) certified Verified Diesel Emission Control Strategies (VDECS) available for the engine type on diesel off-road equipment. Implementation of SCA AIR-3 assumes use of engines that meet the Tier 4 Final standards as the most effective VDECS for all construction equipment as required by the SCA. Currently, Tier 4 engines represent best available control technology for control of DPM, and are expected to reduce emissions by 85 percent.¹⁶ Table 9.6-4 shows that with the use of Tier 4 controls, health risk at the MEIR would be less than the City's significance thresholds for all age groups.

**TABLE 9.6-4
MAXIMUM HEALTH RISKS FROM PROJECT CONSTRUCTION**

Health Risk at MEIR	Maximum Cancer Risk (in a million)	Chronic Risk (Hazard Index)	Maximum PM _{2.5} concentration
Uncontrolled Scenario			
Residential Receptor - Infant	114	0.073	0.337
Residential Receptor - Child	23	0.073	0.337
Residential Receptor - Adult	3	0.073	0.337
SCA Scenario (With Tier 4 Final Equipment)			
Residential Receptor - Infant	14.5	0.003	0.014
Residential Receptor - Child	0.9	0.003	0.014
Residential Receptor - Adult	0.13	0.003	0.014
Project-level Threshold	10	1.0	0.3
Significant?	No	No	No

SOURCE: ESA, 2017.

The Proposed Project would also include demolition of the existing building totaling an area of 27,600 square feet. The existing building may contain Asbestos Containing Materials (ACM) which could pose a health risk to workers and nearby receptors during demolition. Consistent with SCA AIR-4, the Proposed Project would comply with all applicable laws and regulations regarding demolition and renovation of ACM.

Therefore, the potential impact of the Proposed Project regarding exposure of existing receptors to construction related health risks would be less than significant.

¹⁶ <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Operational Health Risk

The backup diesel generator assumed for the Proposed Project (given its high-rise height), would be the only new operational source of TACs associated with the Proposed Project. Newer generators have substantially reduced TAC emissions compared to older existing units and the BAAQMD would not issue a permit to operate to any new generators that would increase cancer risks at receptors in excess of 10 in one million after implementation of Best Available Control Technology for TACs. This would be consistent with the requirements of SCA AIR-3 which would apply to the Proposed Project and ensure that operational health risks from the Proposed Project's stationary sources to nearby receptors would be less than significant.

Cumulative Health Risk – Exposure to Project Receptors

The Proposed Project includes residential uses and is located within 1,000 feet of several BAAQMD permitted stationary sources and roadways with traffic volumes greater than 10,000 vehicles per day. Therefore, consistent with SCA AIR-4, the analysis presented below includes a screening level assessment of the cumulative risk to new receptors from existing and proposed sources of TACs within 1,000 feet of the Project site. **Table 9.6-5** presents the results of this refined Project-specific screening effort, including the risks posed by the Proposed Project's backup diesel generator.

BAAQMD has developed a geo-referenced database of permitted stationary emission sources throughout the San Francisco Bay Area and the Stationary Source Screening Analysis Tool¹⁷ for estimating cumulative health risks from the permitted stationary sources. Based on this, 15 permitted stationary sources of TAC emissions were identified within 1,000 feet of the Project site. Based on data from the BAAQMD, sources G9132, 16802, G11348, and 18179 were found to be no longer operational. In addition, source 10397, Le magic Cleaners, was found to have updated the dry cleaning equipment to a closed loop system and therefore no longer constitutes a source of risk. Health risk data for the remaining nine sources were refined using emissions data from the BAAQMD and diesel and gas station distance adjustment tools to estimate the risks and hazards from these sources specific to the Project receptors. These health risks are shown in Table 9.6-5 above.

BAAQMD has also developed a geo-referenced database of highways and roadways throughout the San Francisco Bay Area to be used in conjunction with the Highway Screening Analysis Tool and the Roadway Screening Analysis Calculator¹⁸ for estimating risks from highways and major roadways. There are no highways within 1,000 feet of the project site. BAAQMD *CEQA Air Quality Guidelines* also require the inclusion of surface streets within 1,000 feet of the proposed Project with annual average daily traffic of 10,000 or greater. The cumulative risk analysis to Project receptors therefore includes health risks from traffic on Broadway as estimated using the BAAQMD's county-specific Roadway Screening Analysis Calculator.

¹⁷ Bay Area Air Quality Management District, *Stationary Source Screening Analysis Tool*, May 30, 2012.

¹⁸ Bay Area Air Quality Management District, *Roadway Screening Analysis Calculator*, April 16, 2015.

**TABLE 9.6-5
CUMULATIVE HEALTH IMPACTS TO NEW RECEPTORS**

Source	Source Type	Distance from Project (feet)	Cancer Risk (persons per million)	Chronic Hazard Impact	PM _{2.5} Concentration (µg/m ³)
Existing Stationary Sources (BAAQMD Plant Number) within 1,000 feet					
Kaiser Foundation Health Plan (G9132) ^a	Closed	180	0.0	0.0	0.0
Sears #1039 (16802) ^a	Closed	300	0.0	0.0	0.0
Chevron Inc. (G11475)	Gas Station	565	0.57	0.001	0.0
PG&E (14173)	Diesel Engine	360	0.75	0.004	0.0013
AT&T Corp (18668)	Diesel Engine	845	0.17	0.002	0.0003
Kaiser Permanente (G11348) ^a	Closed	880	0.0	0.0	0.0
CIM Group Properties (20248)	Diesel Engine	880	1.03	0.009	0.0019
Douglas Parking Company (18179) ^a	Closed	560	0.0	0.0	0.0
Le Magic Cleaners (10397) ^b	Dry Cleaners	745	0.0	0.0	0.0
AC Transit General Office (14532)	Diesel Engine	320	2.22	0.009	0.0039
Pacific Bell (13494)	Diesel Engine	395	8.22	0.047	0.0143
Rotunda Partners II (14607)	Diesel Engine	660	0.15	0.002	0.0003
City of Oakland Env. Services Division (14502)	Diesel Engine	990	0.07	0.002	0.0001
City of Oakland Env. Services Division (14503)	Diesel Engine	990	0.07	0.001	0.0001
Pacific Bell telephone Co. (19999)	Diesel Engine	920	0.13	0.002	0.0
Major Roadways (with more than 10,000 AADT) within 1,000 feet					
Broadway	Roadway	20	11.7	--	0.23
Backup Generators at Proposed Projects within 1,000 feet					
1630 San Pablo Avenue ^{c,d}	Diesel Engine	735	0.7	0.004	0.001
1601 San Pablo Avenue ^{c,d}	Diesel Engine	865	0.5	0.004	0.001
1640 Broadway	Diesel Engine	305	0.51	0.004	0.001
1700 Webster Street ^c	Diesel Engine	710	0.7	0.004	0.001
1721 Webster Street ^c	Diesel Engine	525	1.0	0.004	0.002
301 19 th Street ^{c,d}	Diesel Engine	825	0.5	0.004	0.001
1900 Broadway ^c	Diesel Engine	100	7.3	0.004	0.013
1955 Broadway ^{c,d}	Diesel Engine	530	1.0	0.004	0.002
2015 Telegraph Avenue ^c	Diesel Engine	900	0.4	0.004	0.001
2016 Telegraph Avenue ^c	Diesel Engine	800	0.6	0.004	0.001
Project Generator ^c			10	0.004	0.018
Cumulative Impacts ^e			38.3	0.112	0.276
Cumulative Impacts using BAAQMD multiplier to existing and proposed stationary sources and roadways to account for 2015 OEHHA revisions ^{e, f}			48	0.112	0.276
City of Oakland Cumulative Significance Criteria (new receptors)			100	10	0.8
Potentially Significant Impact?			No	No	No

^a Source no longer operating per BAAQMD.

^b No longer a source of risk as equipment was updated to a closed loop system per BAAQMD.

^c Risks posed by the generators are conservatively assumed to be at the maximum permitted value but will likely be less.

^d Awaiting information from the City if the project includes a backup generator. The analysis presented here conservatively assumes that it does include one.

^e Cumulative totals may not add up due to rounding.

^f Per BAAQMD guidance, the multiplier only applies to cancer risk.

SOURCE: BAAQMD, 2012; BAAQMD, 2015; BAAQMD, 2017; ESA, 2017.

Lastly, there are eleven proposed developments within 1,000 feet of the Project site that are either under construction or could be constructed in the near future, and future operations would include maintenance and testing of a backup diesel generator. The BAAQMD does not issue permits for stationary sources that result in an excess cancer risk greater than 10 in one million or a chronic HI greater than 1.0. Conservatively assuming each proposed generator would result in a maximum excess cancer risk of 10 in one million due to emissions of diesel particulate matter, the BAAQMD's Risk and Hazards Emissions Screening Calculator (Beta Version) was used to estimate the equivalent screening level health risk values for chronic HI and annual average PM_{2.5} concentrations. The health risk screening values were then refined based on the distance from each source to the Project receptors using the BAAQMD's Diesel Internal Combustion Engine Distance Multiplier Tool and are shown in Table 9.6-5.

Note that the cancer risks estimated from the BAAQMD assessment tools (roadways and permitted stationary sources) and shown in Table 9.6-5 are based on an older set of exposure parameters that do not reflect the revised OEHHA cancer risk parameters dealing with daily breathing rates, time at home factors, and exposure duration. The cancer risks estimated from the BAAQMD's assessment tools for these emission sources, therefore, were increased using a BAAQMD provided multiplier of 1.3744 to account for the revised exposure parameters.¹⁹

As shown in Table 9.6-5, the cumulative excess cancer, chronic risk (HI) and PM_{2.5} concentration at the Project receptors would be less than the City's cumulative thresholds. Therefore, this would constitute a less than significant cumulative impact to the new receptors. The screening analysis described above satisfies the requirements of SCA AIR-4 detailed below. As the analysis concluded that exposure of project residents/occupants/users to air pollutants is below acceptable levels, no additional health risk reduction measures are required.

9.6.3 Standard Conditions of Approval

SCAs AIR-1 through AIR-3 listed below would be applicable to the Proposed Project during its construction period and would be required to mitigate significant impacts related to construction air quality and health risk.

SCA AIR-1: Dust Controls – Construction Related *During construction.*

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

¹⁹ Kirk, Alison, Email Communication with ESA, December 20, 2016.

- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- h. 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 one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- j. 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.
- k. 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.
- l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

SCA AIR-2: Criteria Air Pollutant Controls - Construction Related *During construction.*

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

- 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.
- 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 Off-Road Diesel Regulations").
- 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.

- 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.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- 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.

SCA AIR-3: Diesel Particulate Matter Controls-Construction Related *Prior to issuance of a construction related permit (i), during construction (ii).*

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) from construction emissions. The project applicant shall choose one of the following methods:

- a. 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) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. 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 acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

– or –

- b. 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.

SCA AIR-4 listed below that addresses exposure of Project receptors to excessive health risk from existing and proposed sources has already been implemented by the Project applicant and no further action is required. The HRA completed for the Proposed Project is included as Appendix C.

SCA AIR-4: Exposure to Air Pollution (Toxic Air Contaminants) Prior to approval of construction-related permit.

A. Health Risk Reduction Measures

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:

- 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 to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

– or –

- 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:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
 - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
 - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
 - Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.

- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.
 - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

B. Maintenance of Health Risk Reduction Measures

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

In addition, the Project applicant would be required to adhere to the conditions of SCA AIR-5, as described below to address operational health risk impacts of the Proposed Project's stationary source (backup diesel generator) to nearby receptors. The HRA completed for the Proposed Project is included as Appendix C.

SCA AIR-5: Stationary Sources of Air Pollution (Toxic Air Contaminants) *Prior to approval of construction-related permit.*

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose one of the following methods:

- 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 to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.
 - or –
- 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:

- i. Installation of non-diesel fueled generators, if feasible, or;
- 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.

SCA AIR-6 listed below would be applicable to the Proposed Project during its construction period and would be required to mitigate significant impacts related to health risk.

SCA AIR-6: Asbestos in Structures *Prior to approval of construction-related permit.*

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

Implementation of the City of Oakland's SCAs AIR-1 through AIR-6 would reduce the Proposed Project's construction and operational air quality impacts to less than significant.

9.6.4 Conclusion

With the implementation of City SCAs, the Proposed Project would not exceed the City's significance thresholds related to air quality during construction or operation. Therefore, the Proposed Project would result in less-than-significant impacts relating to air quality, including health risk, and adheres to CEQA Guidelines §15332(d). Moreover, the Proposed Project would incorporate all applicable Oakland SCAs addressing air quality as listed above and included in Attachment A.

9.7 Criterion Section 15332(d): Water Quality

Yes No

- ☒ ☐ Approval of the project would not result in any significant effects relating to water quality.

The following analysis evaluates the potential for the Proposed Project to result in significant effects relating to water quality. The analysis concludes that the Proposed Project would not exceed the City's applicable significance thresholds related to water quality. The Proposed Project would therefore result in less-than-significant water quality impacts and there is no exception to the Class 32 exemption relative to water quality criteria.

9.7.1 Significance Thresholds

For purposes of this environmental review document, the following lists the City of Oakland's CEQA Significance Thresholds considered most pertinent to this assessment of the Proposed Project to meet the conditions of a categorical exemption.

1. Violate any water quality standards or waste discharge requirements;
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);
3. Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters;
4. Result in substantial flooding on- or off-site;
5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems;
6. Create or contribute substantial runoff which would be an additional source of polluted runoff;
7. Otherwise substantially degrade water quality;
8. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows;
9. Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
10. Expose people or structures to a substantial risk of loss, injury or death involving flooding;
11. Expose people or structures to a substantial risk of loss, injury or death as a result of inundation by seiche, tsunami, or mudflow;
12. Substantially alter the existing drainage of the site including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site;
13. Fundamentally conflict with elements of the City of Oakland Creek Protection (OMC Chapter 13.16) ordinance intended to protect hydrologic resources. Although there are no specific, numeric/quantitative criteria to assess impacts, factors to be considered in determining significance include whether there is substantial degradation of water quality through (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water or capacity; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) substantially endangering public or private property or threatening public health or safety.

As the City of Oakland is a member agency of the Alameda Countywide Clean Water Program (ACCWP), the Project construction activities would be required to comply with ACCWP's Municipal Regional Stormwater National Pollutant Discharge and Elimination System (NPDES)

permit, as well as all applicable regulatory requirements and Oakland SCAs related to water quality (see SCA HYD-1 and SCA HYD-2 below). Therefore, the Proposed Project would not result in any violation of water quality standards.

The Project site is located in an urbanized area and is currently 100 percent covered with impervious surface. The Proposed Project would not increase the amount of impervious surface on the site and thus would not decrease the amount of groundwater recharge or deplete groundwater supplies. For the same reason, the Proposed Project would not increase the rate or volume of surface stormwater runoff. Further, the Proposed Project would be considered a Regulated Project under the National Pollution Discharge Elimination System (NPDES) C.3 requirements because it would replace more than 10,000 square feet of impervious surface

The Project site is not within a 100-year flood hazard area nor in a tsunami inundation area. Therefore, the Proposed Project would not expose people or structures to a substantial risk of loss, injury or death involving flooding. The Proposed Project would not substantially alter the drainage of the site, including through the alteration of the course of a stream or river. The Project site is not located near any creeks and the Proposed Project is not subject to the City of Oakland Creek Protection Ordinance. The Project site is served by the City's existing stormwater system and downstream conveyance channels that will receive runoff from the Proposed Project.

SCA HYD-1, *Erosion and Sediment Control Plan for Construction*, would apply to the Proposed Project and would prevent water quality impacts related to volume or quality of stormwater runoff, erosion, or siltation that could result from grading and/or construction activities.

SCA HYD-2, *NPDES C.3 Stormwater Requirements for Regulated Projects*, is applicable to the Proposed Project and requires on-site stormwater treatment measures and drainage design to limit post-construction stormwater pollution and to ensure no post-construction increase in the rate or volume of surface stormwater runoff.

SCA UTIL-6, *Storm Drain System*, would also be applicable to the Proposed Project and would ensure, to the maximum extent practicable, peak stormwater runoff from the Project site would be reduced by at least 25 percent compared to the pre-project condition.

Therefore, implementation of SCA HYD-1, HYD-2, and UTIL-6 would ensure that potential construction and operation impacts related to water quality would be less than significant. The Proposed Project would not result in any significant effects relating to water quality and therefore adheres to the criteria of CEQA Guidelines Section 15332(d).

9.7.2 Standard Conditions of Approval

As noted above the following SCA's will be applicable to the Proposed Project and are required to mitigate significant impacts related to water quality:

SCA HYD-1: Erosion and Sedimentation Control Plan for Construction *Prior to approval of construction-related permit and during construction.*

A. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

B. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects *Prior to building permit final.*

A. Post-Construction Stormwater Management Plan Required

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- a. Location and size of new and replaced impervious surface;
- b. Directional surface flow of stormwater runoff;
- c. Location of proposed on-site storm drain lines;
- d. Site design measures to reduce the amount of impervious surface area;
- e. Source control measures to limit stormwater pollution;
- f. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- g. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

B. Maintenance Agreement Required

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- a. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- b. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

SCA UTIL-6: Storm Drain System *Prior to approval of construction-related permit.*

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

9.7.3 Conclusion

Required implementation of City of Oakland SCAs pertaining to water quality as listed above and included in Attachment A will ensure that the Proposed Project would have a less-than-significant impact related to water quality. Given these facts, the Proposed Project adheres to the criteria of CEQA Guidelines Section 15332(d) regarding water quality.

9.8 Criterion Section 15332(e): Utilities and Public Services

Yes No

☒ ☐ The site can be adequately served by all required utilities and public services.

The Project site is located within a fully urbanized downtown within the City of Oakland's Central Business District and is therefore currently served by all required utilities (e.g. water, electricity, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g. police and fire services, and public schools).

The Proposed Project may require specific on-site upgrades or extensions of utility infrastructure to serve the proposed new building. For example, and upon coordination with utility providers such as East Bay Municipal Utility District, installation or upgrading of sanitary sewer lines, water supply pipelines, and/or water mains that currently serve the existing three-story office building located on the Project site may be warranted to serve the increased utility demands of the proposed high-rise residential building.

The Proposed Project would introduce population in downtown and would incrementally increase demand for public services, such as police and fire and emergency services. The downtown area is

adequately served by public services, and to the extent that new demand could result from an increase of approximately 614 residents and 14 new employees, it would not require new facilities.²⁰

It is reasonable to determine that the new population generated by the Proposed Project would not increase the use of local or regional parks to the extent that substantial physical deterioration of the facilities would occur or be accelerated. Urban public parks and open space facilities located within two to three blocks of the Project site include Snow Park, Henry J. Kaiser Memorial Park, Frank H. Ogawa Plaza, and the Lake Merritt Lakeside Park.

Regarding the potential effect on public schools, the Proposed Project would comply with Senate Bill (SB) 50, which fully mitigates the potential effect of new student population that may be generated by the Proposed Project on public school facilities. Moreover, given the urban downtown setting of the proposed high-rise residential building, it is not anticipated that the Proposed Project would generate a substantial number of new school-age residents.

In conclusion, because the Project site and surrounding land uses are already served by required utilities and public services, it is reasonable to determine that the Proposed Project can be adequately served by all required utilities and public services, and therefore adheres to the criteria of CEQA Guidelines Section 15332(e). Although not required to mitigate a significant impact under CEQA, the project applicant would adhere to the conditions of SCA UTIL-1 through SCA UTIL-6, as provided in Attachment A.

²⁰ Assumes a residential density of 2 residents per unit and 1 employee per 350 square feet of retail space, as established in the certified Lake Merritt Station Area Plan EIR—a recent EIR with a Plan Area boundary approximately four blocks south of the Project site. Although the Broadway Valdez District Specific Plan Area boundary is approximately three blocks north of the Project site, the EIR for that Plan assumed a slightly less dense residential occupancy rate and thus the results would be slightly less conservative.

10. Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32), this environmental review document also assesses whether any of the exceptions to qualifying for the Class 32 categorical exemption for an In-fill Project are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Proposed Project.

10.1 Criterion Section 15300.2(a): Location

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies?

This possible exception applies only to CEQA exemptions under Classes 3, 4, 5, 6 or 11. Since the Proposed Project qualifies as a Class 32 Urban In-fill exemption, this criterion is not applicable.

10.2 Criterion Section 15300.2(b): Cumulative Impact

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time?

The detailed technical analyses conducted for traffic, noise, air quality (see above under Section 9.4 through Section 9.6), wind, GHG emissions, and shadow (see below under Section 10.7, Other Potential Effects), factor in the effects of the Proposed Project combined with the potential effects of other development in the area. This would include other “successive” (i.e., approved, pending and reasonably foreseeable future) projects of the same type in the vicinity of the Project site over time. Example cumulative high-density residential or other high-rise projects located near the Project site include 1900 Broadway, 1640 Broadway, 1100 Broadway, 1700 Webster Street, 1721 Webster Street, 301 19th Street, 1433 Webster Street, 1314 Franklin Street, 1331 Harrison Street, 2015 Telegraph Avenue, 2016 Telegraph Avenue, and 1601 San Pablo Avenue. As discussed above for condition “(d)” (traffic, noise, and air quality impacts,) and under Section 10.7, Other Potential Effects (wind, GHG emissions, and shadow impacts), the Proposed Project would not have a considerable contribution to any cumulative effects related to these topics.

For all other topic areas, including cultural resources, aesthetics, land use and planning, geologic and seismic safety, hazardous materials, water quality, and biological resources, the Proposed Project would incorporate applicable City SCAs and is not expected to have a considerable contribution to any cumulative impacts.

10.2.1 Streamlining Provisions for Cumulative Effects

As noted above under Section 9.1, General Plan and Zoning Consistency, the Proposed Project would be consistent with the Land Use and Transportation Element (LUTE) of the General Plan, the 2007-2014 Housing Element and the 2015-2023 Housing Element of the General Plan, as well as the 2011 Central Business District Renewal Plan. The Proposed Project implements all applicable mitigations identified in the 2010 Housing Element EIR and associated 2014 Addendum, the Renewal Plan Amendments EIR, as well as the 1998 LUTE EIR. The 2010 Housing Element EIR and associated 2014 Addendum, the Renewal Plan Amendments EIR, and the 1998 LUTE EIR are designated a "Program EIR" under CEQA Guidelines Sections 15183 and 15183.3. Further, as noted above in Section 7.2, *Qualified In-fill Exemption*, and demonstrated in detail in Attachment C, the Proposed Project meets the requirements for permit streamlining pursuant to CEQA Guidelines Section 15183.3 as a qualified in-fill project.

Therefore, consistent with CEQA Guidelines Section 15183 and 15183.3, which allows for streamlined environmental review, this environmental review document need not re-consider cumulative effects already addressed under these Program EIRs. Since the Proposed Project is consistent with the development assumed in these Program EIRs, the Proposed Project's potential contribution to cumulatively significant effects has already been addressed in these EIRs, the effect would be less-than-significant and an exception under CEQA Guidelines Sec. 15300.2(b) does not apply to the Proposed Project.

10.3 Criterion Section 15300.2(c): Significant Effect

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances?

As discussed throughout this report, the analysis shows that the Proposed Project would not result in any significant effects on the environment due to unusual circumstances. Overall, there are no unusual circumstances specific to the Proposed Project, compared to its surroundings and similar projects (high-rise, mixed use, in-fill development downtown) that would pose a reasonable possibility of it having a significant effect on the environment. Therefore, the exception under CEQA Guidelines Sec. 15300.2(c) does not apply to the Proposed Project.

10.4 Criterion Section 15300.2(d): Scenic Highway

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project because project may result in damage to scenic resources including but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway?

There are no designated scenic highways in the immediate Project vicinity. The closest designated scenic highway is I-580 located approximately 1.15 miles north of the Project site. As such, the

Proposed Project would not adversely affect any scenic resources within the highway. Based on this finding, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the Proposed Project.

10.5 Criterion Section 15300.2(e): Hazardous Waste Sites

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?

Within the project vicinity, there are ten listed LUST Cleanup sites, four Cleanup Program sites, and one Military Cleanup site currently identified in the State Water Resources Control Board Geotracker and DTSC Envirostor databases (DTSC, 2017; SWRCB, 2017). Two of the LUST sites and two of the Cleanup Program sites are active and undergoing remediation or site assessment. No cleanup sites were identified on the Project site.

A Phase 1 Environmental Site Assessment (ESA) was prepared for the Project site by Partner Engineering and Science on July 20, 2016. The ESA concluded that the Project site is not included on any of the data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements (Partner, 2016). Provided these findings, the exception under CEQA Guidelines Section 15300.2(e) does not apply to the Proposed Project.

10.6 Criterion Section 15300.2(f): Historical Resources

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource?

The existing building located on the Project site is not listed in Oakland's Local Register, does not qualify as a CEQA historic resource, and the Project site is not within an historic district (Area of Primary or Secondary Importance). However, the Project site abuts the Uptown Commercial Historic District and an historic resource, 1770 Broadway, to the north. Nearby local historic resources also include the Tapscott Building (north across 19th Street), Paramount Theatre (one block north), the Fox Theater (one block west), the Leamington Hotel Building & Annex (one block southeast), and the Cathedral Building (two blocks south). The boundaries of the Uptown Commercial Historic District (Area of Primary Importance) are located to the west across Broadway and to the north, adjacent to the Project site. The Proposed Project would neither alter the character-defining elements of these historic resources, nor impair the physical characteristics that convey the significance of the districts.

Therefore, the Proposed Project would not cause a substantial adverse change in the significance of a historical resource and the impact would be less than significant. Based on these findings, the exception under CEQA Guidelines Section 15300.2(f) does not apply to the Proposed Project.

Although the existing building does not qualify as a CEQA historic resource, it is of historical interest. For this reason, and for informational purposes only, a description of the building, a brief history on banking in California, and a brief history of the existing building's first occupant: The Bank of Tokyo, is included in Appendix D.

10.7 Criterion Section 15300.2: Other Potential Effects

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there an exception to the Class 32 exemption for the project because the project may result in substantial adverse impacts other than those discussed above?

Based on the City of Oakland's threshold criteria, impacts related to wind, greenhouse gas, and shadows as generated by the Proposed Project were considered in this analysis. The Proposed Project would not result in significant impacts related to these resources. The discussion of the potential wind, Greenhouse Gas Emissions, and shadow effects of the Proposed Project are provided below.

10.7.1 Wind

10.7.1.1 Significance Thresholds

The City of Oakland considers a significant wind impact to occur if a project were to create winds that exceed 36 miles per hour (mph) for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown. These impacts would be limited to ground-level winds in public pedestrian corridors and public open spaces.

10.7.1.2 Methodology and Analysis

Since the Proposed Project would be greater than 100 feet in height and is located in Downtown, wind engineering experts, RWDI, conducted a wind study for the Proposed Project to assess the wind environment around the Project site under existing, existing plus project, and cumulative plus project conditions (see Appendix E).²¹ The analysis measured changes to the wind environment in terms of the criterion for wind hazards, as described above. Although not a CEQA threshold, for informational purposes, the analysis also measured changes to the wind environment in terms of the criterion for pedestrian comfort. The pedestrian comfort criterion is exceeded when winds exceed 11 mph more than 10 percent of the time.

²¹ The wind analysis is suitably conservative as it relied on an earlier, and slightly taller (approximately 435 feet) project proposal. Subsequent revisions to the Proposed Project could improve but would not adversely affect wind conditions.

Wind Hazard

Wind speeds at all 39 grade level locations tested met the wind hazard criterion under existing, existing plus Project, and cumulative plus Project conditions. Compared with the existing conditions, the average wind speed is anticipated to increase slightly (from 24 mph to 27 mph) under the existing plus Project conditions, and decrease again with the addition of cumulative projects (to 25 mph).

Wind Comfort

Of the 39 grade level locations tested, 11 locations exceeded the wind comfort criterion under existing conditions. The exceedances were located primarily south of the project site at the intersection of Broadway and 17th Street and to the east along Franklin Street. With the addition of the Proposed Project, wind speeds increase in general and primarily along 19th Street. The number of wind comfort criterion exceedances increases to 22 of the 39 test locations. As with the wind hazard conditions, pedestrian comfort conditions improve with the addition of cumulative buildings. The wind speeds decrease and the number of wind comfort criterion exceedances decreases to 17 of the 39 test locations.

10.7.1.3 Conclusion

The results of the wind study showed that the Proposed Project would not result in wind speeds exceeding the threshold for a significant wind impact and the Proposed Project would not result in a significant impact with respect to wind hazards. Therefore, the exception to a CEQA exemption under CEQA Guidelines Section 15300.2 does not apply.

10.7.2 Greenhouse Gases

The analysis herein evaluates the potential for the Proposed Project to result in significant effects relating to Greenhouse Gases (GHGs). The analysis concluded that the Proposed Project would not exceed the City's applicable significance thresholds related to GHGs. Therefore, the Proposed Project would not result in any significant GHG-related impacts, and there is no exception to the Class 32 exemption relative to GHG criteria.

10.7.2.1 Significance Thresholds

As stated above, this analysis focuses on the significance thresholds most pertinent to the City's assessment of whether an exemption is viable for the Proposed Project. Pursuant to CEQA, lead agencies must apply appropriate thresholds based on substantial evidence in the record. The City's GHG thresholds rely upon the technical and scientific basis of the BAAQMD 2010 thresholds. The City's thresholds are consistent with and authorized by CEQA Guidelines Section 15064. They have not been challenged and remain in effect. The methodology used for assessing GHG/global climate change impacts (e.g. calculating emissions) impacts is based on the latest version of BAAQMD's CEQA Guidelines and guidelines published by other regional, state, and federal regulatory agencies.

Though the BAAQMD most recently updated its CEQA Air Quality Guidelines in May 2017, the update included no substantive changes to the data and assumptions underlying the analytical methodologies, significance thresholds and mitigation strategies since the update in June 2010. The guidelines do not recommend quantitative significance thresholds, but recommend lead agencies develop their own thresholds of significance offering, as possibilities, thresholds in its 1999 Guidelines, a table of thresholds promulgated by other California air districts, as well as a reference to California Air Pollution Control Officers Association and State Air Resources Board guidance. Reference to the BAAQMD CEQA Thresholds Options and Justification Report developed by district staff in 2009 is also an option and one that provides lead agencies with a justification for continuing to rely on the BAAQMD 2010 thresholds. Based on this, the City's Thresholds for greenhouse gases appropriately rely upon and are generally based upon the BAAQMD 2010 CEQA Guidelines and Thresholds. The BAAQMD has initiated another update to reflect new or revised requirements in the State CEQA Guidelines, recent court decisions, improved analytical methodologies, and new mitigation strategies. As part of this update, the BAAQMD also intends to review current thresholds of significance criteria and establish new significance criteria where needed.

For purposes of this environmental review document, the following lists the significance thresholds relevant to the assessment of the Proposed Project's ability to meet the conditions of a categorical exemption.

1. For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO₂e annually **AND** more than 4.6 metric tons of CO₂e per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed **BOTH** the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below **EITHER** of these thresholds.

Pursuant to CEQA mandates for projects qualifying for an exemption, any potential impact related to the significance criteria listed below which are not peculiar to the Proposed Project or Project site and can be mitigated to a less-than-significant level by the imposition of City regulations and application of the City's SCA, do not require additional analysis.

1. Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing Greenhouse Gas emissions.

The Proposed Project would comply with the Oakland Energy and Climate Action Plan, current City Sustainability Programs, and General Plan policies and regulations regarding GHG reductions and other local, regional and statewide plans, policies and regulations that are related to the reduction of GHG emissions and relevant to the Proposed Project.

10.7.2.2 Assumptions, Methodology and Analysis

Construction GHG Emissions

The CalEEMod model run for estimating criteria air pollutant emissions from Project construction also calculated the GHG emissions generated by construction activities. Project construction-related GHG emissions would total 1,708 metric tons of CO₂ equivalents (CO₂e) over the assumed construction period. Annualized over an assumed project life of 40 years, construction-related GHG emissions would be 42.7 metric tons per year of CO₂e. These emissions are factored into the total operational GHG emissions calculation below to determine significance.

Operational GHG Emissions

The Proposed Project would generate GHG emissions from many of the same sources as presented in Section 9.6 Air Quality Tables 9.6-2 and 9.6-3 above. Additionally, GHGs would be generated indirectly by increased electrical and water demand, as well as increased wastewater and solid waste generation.

The Project site is located within a “Regional Center” Priority Development Area pursuant to the Plan Bay Area, which represents the Sustainable Communities Strategy (SCS) for the greater San Francisco Bay Area (MTC, 2013). Per CEQA Guidelines Section 15183.5(c), environmental documents for certain residential and mixed-use projects and transit priority projects, as defined in Section 21155 of the Public Resources Code, that are consistent with the general use designation, density, building intensity and applicable policies specified for the project area in an applicable SCS or alternative planning strategy, need not analyze global warming impacts resulting from cars and light duty trucks. A lead agency should consider whether such projects may result in GHGs from other sources, however, consistent with the CEQA Guidelines. Consequently, if a project meets the requirements of a transit priority project, its mobile source need not be included in the assessment of GHG impacts.

Section 21155 of the *California Public Resources Code* defines transit priority projects as projects which:

1. Contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
2. Provide a minimum net density of at least 20 dwelling units per acre; and
3. Be located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have not more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

The Proposed Project meets condition (1) above for qualification as a transit priority project as more than 50 percent of the project would be dedicated to residential uses. The Proposed Project would include 307 residential units on a parcel of 0.63 acre, which is equivalent to 472 dwelling units per acre. Consequently, the Proposed Project meets condition (2) above for qualification as a transit priority project.

Finally, a major transit stop is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute period. The 19th Street BART station entrance is on the Project site and 12th Street BART station is located approximately 0.3 miles south of the Project site. AC Transit, the primary bus service provider for the City of Oakland, also operates several routes in the vicinity of the Project with stops within one-half mile from the Project site. Consequently, the Proposed Project meets all three conditions above for qualification as a transit priority project. Therefore, pursuant to Section 15183.5(c) of the CEQA Guidelines, the mobile source of the Project need not be included in the assessment of GHG impacts in the environmental document.

The total operational GHG emissions for the Proposed Project are presented in **Table 10.7-1**. The table presents the project-related GHG emissions with and without the mobile emissions. As discussed above, for the purposes of assessing the impact relative to the City's thresholds, mobile emissions are not included. As shown in the table, the Proposed Project would not exceed the threshold of 1,100 metric tons of CO₂e per year, nor would it would exceed the City's 4.6 metric tons of CO₂e per service population threshold. Emissions from the proposed backup generator were also estimated using CalEEMod and the estimated emissions are presented in **Table 10.7-2**. These emissions are considered separately against the 10,000 tons per year stationary source threshold, which is not exceeded. Therefore, under the City's significance thresholds, the total operational GHG emissions would result in a less-than-significant impact.

10.7.2.3 Standard Conditions of Approval

City of Oakland SCA 42 requires that a GHG Reduction Plan be prepared for projects of a certain minimum size that produce total GHG emissions during operations that exceed one or both of the City's established thresholds of significance for land use developments, or involve a stationary source (e.g., backup generator) that produce total GHG emissions that exceed the City's established threshold of significance for stationary sources. As shown, the screening analysis determined that the Proposed Project would not exceed both the City's thresholds of 1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per service population (see Appendix F). Stationary source emissions would also be well below the appropriate threshold. Based on this analysis, the Proposed Project would not trigger the requirements of a GHG Reduction Plan to comply with City SCA 42.

Though not required to mitigate a significant impact under CEQA, SCAs relating to air quality, transportation, and utilities applicable to the Proposed Project would also serve to reduce GHG emissions (see Attachment A).

TABLE 10.7-1
GHG EMISSIONS FROM PROJECT OPERATION (METRIC TONS PER YEAR)^a

Project Component	CO₂e^b
Area Source Emissions	38.1
Energy Emissions	759.2
Mobile Emissions ^c	1176.3
Solid Waste	73.7
Water and Wastewater ^d	48.9
Annual Construction Emissions (Averaged over 40 years)	42.7
Less Existing Emissions	-176
Net Increase with Mobile Sources	1,963
Net Increase without Mobile Sources	786
City of Oakland Threshold	1,100
Significant?	No
Service population ^e (614 residents and 14 employees)	628
Net Increase in Emissions per Service Population	1.25
City Emissions per Service Population Threshold	4.6
Significant?	No

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

^b CO₂e – Carbon dioxide equivalents

^c GHG emissions from mobile sources relied on inputs from the Transportation Analysis by Fehr & Peers.

^d 20 percent reduction in indoor water use assumed in compliance with CalGreen code.

^e The service population is the total number of residents and employees of a project.

SOURCE: ESA, 2017

TABLE 10.7-2
AVERAGE GREENHOUSE GAS EMISSIONS FROM THE BACKUP GENERATOR

Source	CO₂e^b (metric tons per year)
Project Backup Generator	19.1
City of Oakland's Threshold	10,000
Exceeds Threshold?	No

^a CO₂e – Carbon dioxide equivalents

10.7.2.4 Conclusion

The Proposed Project would not exceed the City's applicable significant thresholds related to GHG. The Project would also comply with all applicable plans, policies, and regulations adopted for the purposes of reducing Greenhouse Gas emissions. Therefore, the Proposed Project would result in a less-than-significant impact relating to Greenhouse Gas emissions and the exception to a CEQA exemption under CEQA Guidelines Section 15300.2 does not apply.

10.7.3 Shadows

10.7.3.1 Significance Thresholds

Based on City of Oakland significance criteria, a project would have a significant shadow impact if it would:

1. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; or
2. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historic resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance.

10.7.3.2 Methodology and Analysis

Consistent with the City of Oakland methodology for shadow analyses, PreVision Design prepared a shadow analysis for the Proposed Project.²² Using a virtual 3D model, PreVision simulated and rendered the Proposed Project shadow in the existing shading conditions, as well as in the cumulative shading conditions (including other proposed projects in the vicinity). Graphical depictions of the shadows that would be cast by the Proposed Project building at 9:00 AM, 12:00 PM, and 3:00 PM for the summer solstice (June 21st), spring/fall equinoxes (March 20th and September 22nd), and winter solstice (December 21st) were prepared (see Appendix G).

The shadow analysis demonstrates that between the hours of 9:00 AM and 3:00 PM, the Proposed Project would cast net new shadow throughout the year as far as westward across San Pablo Avenue, northwest to William Street, northeast across 20th Street, and eastward across Webster Street. The Proposed Project would not introduce any landscape that would affect solar collectors; however, the Proposed Project would generate net new shadow that would affect existing rooftop solar collectors, public parks/open spaces, and historic resources.

²² The shadow analysis is suitably conservative as it relied on an earlier, and slightly taller (approximately 435 feet) project proposal. Subsequent revisions to the Proposed Project would slightly reduce the size of the project shadow.

Solar Collectors

Three sites with rooftop solar collectors would be affected by net new shadow from the Proposed Project:

- **555 19th Street.** New shading would be cast on rooftop panels from early February through early May, and again from mid-August through early November between approximately 9:00 AM through 9:45 AM during the fall and spring.
- **540 17th Street.** New shading would be cast on rooftop panels for a few days around the Summer Solstice (June 21) between approximately 9:00 AM through 9:05 AM.
- **1733 Broadway.** New shading would be cast on the rooftop panels from mid-March through early mid-September. New shading would be cast between approximately 9:00 AM and 10:40 AM during the summer months, and between approximately 9:00 AM and 9:30 AM in late spring and early autumn. Little to no new shadow would be present on the spring and fall equinoxes.

In general, solar collectors collect sun power during the period from two hours prior and two hours post solar noon—the time at which the sun is directly south. Due to daylight savings, this period ranges from approximately 11:00 AM to 3:00 PM during spring and fall months. Considering new Project shading would occur for short periods of time during the morning hours, prior to 11:00 AM, and over only a portion of the year; the presence of new Project shading would not substantially impair the functioning of the solar collectors or compromise their effectiveness. Therefore, new Project shading would not result in a substantial loss of power, income, or use from the collectors and, as such, would not be considered a significant impact. No other solar collectors in the vicinity would be affected by the Proposed Project.

Parks/Public Open Spaces

The Proposed Project would add new shading to the Henry J. Kaiser Memorial Park from early November through early February from approximately 9:00 AM until 10:05 AM. All areas of the park would receive some net new shadow over the affected period, with the largest area of new shadow covering up to around 75 percent of the park at around 9:30 AM. The new Project shadow would occur for approximately 1 hour and 5 minutes during the winter, in the mornings, at a time not of typical high use. Therefore, the new Project shadow would not substantially impair the use of the park and would not be considered a significant impact. No other parks and/or public open spaces in the vicinity would be affected by net new shadow from the Proposed Project.

Historic Resources

The Proposed Project would add new shading on three historic buildings.

- **1807 Telegraph (Fox Theatre).** Shading would be cast between approximately 9:00 AM and 11:00 AM from approximately mid-August through early May. Features affected would include windows along the southern and eastern building frontages and the theatre marquee. No new shadow would be cast between early May and mid-August.
- **1910 Telegraph Avenue.** Shading would be cast from approximately 11:15 AM and 12:30 PM early September through early April and between 9:10 AM and 11:45 AM during the winter.

New shadow would be cast on the southern street elevation and rooftop. No new shadow would be cast during the summer months.

- **1935 Broadway.** Shading would be case between approximately 12:40 PM and 1:20 PM mid-September through late-March. New shadow would be cast on the southern side wall, eastern street elevation, and rooftop. No new shadow would be cast during the summer months.

In terms of historic resources, the City of Oakland's CEQA thresholds of significance state that a significant impact would occur if a project were to shade designated historic resources such that the new shadow would "materially impair" the resource's historic significance. While access to light is not typically an important characteristic of most historic buildings, it may be of historic places of worship where the light, specifically the light through stained glass windows, contributes to its architectural historical significance.

Since the shadows cast by the Proposed Project would be cast for a short period of the day, on limited portions of three historic buildings for which light is not an important historical characteristic, the presence of new shadow would not materially alter the physical characteristics that convey historical significance for any of the three historic resources. Therefore, the new Project shadow would not result in a significant impact. No other historic resources in the vicinity would be affected by net new shadow from the Proposed Project.

Cumulative Shading

The cumulative conditions analysis assesses the Proposed Project's potential impacts along with other proposed projects in the vicinity that have the potential to cast shadow on sites affected by Project shading. These projects are listed and cumulative shading is depicted in Appendix G. While the cumulative projects contribute new shadow to some of the same sites, the analysis demonstrated that shadow cast by the Proposed Project would not interact with shading cast by these cumulative projects during the same periods of shading.

10.7.3.3 Conclusion

The Proposed Project would not introduce any landscape that would affect solar collectors, and the presence of new shading from the Proposed Project would not substantially impair the functioning of solar collectors in the vicinity of the Project site. The presence of new shading at Henry J. Kaiser Memorial Park would not substantially impair the beneficial use of the park and the presence of new shadow on historic buildings in the Project vicinity would not materially alter the character defining features of those resources. Therefore, the Proposed Project would result in a less-than-significant impact relating to shadow and the exception to a CEQA exemption under CEQA Guidelines Section 15300.2 does not apply.

11. References

- California Department of Fish and Wildlife (CDFW), 2017. California Natural Diversity Database (CNDDB), Special Animals List. October, 2017. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>. Accessed January 9, 2018.
- California Department of Toxic Substances Control (DTSC), 2017. Envirostor database. Available at: <http://www.envirostor.dtsc.ca.gov/public/>. Accessed October 13, 2017.
- City of Oakland, 1998. *Oakland General Plan, Land Use & Transportation Element*. March 1998.
- City of Oakland, 2010 *City of Oakland Housing Element Draft Environmental Impact Report*, August 2010.
- City of Oakland, 2011. Proposed Amendments to the Central District Urban Renewal Plan Draft Environmental Impact Report, March 2011.
- City of Oakland, 2014, *CEQA Addendum for City of Oakland Housing Element (2015-2023)*, December 2014.
- Department of Business Oversight, *History: Department of Business Oversight*, http://www.dbo.ca.gov/About_DBO/dbo_history.asp, accessed November, 2, 2017.
- Doti, Lynne. "Banking in the Western US". EH.Net Encyclopedia, edited by Robert Whaples. June 10, 2003. <http://eh.net/encyclopedia/banking-in-the-western-u-s/>, accessed November, 2, 2017.
- Funding Universe, <http://www.fundinguniverse.com/company-histories/bank-of-tokyo-mitsubishi-ltd-history/>, accessed November, 2, 2017.
- MUFG website, <http://www.bk.mufg.jp/global/aboutus/origins/index.html>, accessed November, 2, 2017.
- Oakland Cultural Heritage Survey Identification Sheet, 1740-1750 Broadway, December 5, 1995.
- Oakland Cultural Heritage Survey Field Form, 1740-1750 Broadway, January 5, 1982.
- Oakland Tribune: Business and Finance section, *Bank of Tokyo to Build in Oakland*, June 29, 1971.
- Partner Engineering and Science, Inc., 2016. *Phase I Environmental Site Assessment Report*, July 20, 2016.
- Sanborn Maps, 1945 (Rev. 1980s)
- State Water Resources Control Board (SWRCB), 2017. GeoTracker database. Available: geotracker.waterboards.ca.gov/. Accessed October 13, 2017.
- The Planning History of Oakland, CA, *The Changing Face of Oakland: 1945-1990*, <https://oaklandplanninghistory.weebly.com/the-changing-face-of-oakland.html>, accessed November 2, 2017.
- The Sunday Tribune, *Shinto Ceremony Starts Bank Job*, February 24, 1972.
- U.S. Department of the Interior, National Register Bulletin: How to Apply the National Register Criteria for Evaluation, https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_7.htm#crit con g, accessed November 7, 2017.

12. Attachments/Appendices

Attachment A: Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

Attachment B: Project Consistency with Community Plan or Zoning, Per CEQA Guidelines Section 15183

Attachment C: In-fill Performance Standards, Per CEQA Guidelines Section C15183.3

Appendix A: Transportation Demand Management Plan

Appendix B: Additional Transportation Analysis (not required for CEQA)

Appendix C: 1750 Broadway Historical Context

Appendix D: Health Risk Assessment

Appendix E: Wind Study

Appendix F: Greenhouse Gas

Appendix G: Shadow Study

ATTACHMENT A

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval (SCAs) and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 1750 Broadway Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists SCAs that apply to the Proposed Project. Specifically, on November 5, 2018, the City of Oakland released a revised set of all City of Oakland SCAs, which largely still include SCAs adopted by the City in 2008, along with supplemental, modified, and new SCAs. The SCAs are measures that would minimize potential adverse effects that could result from implementation of the Proposed Project, to ensure the conditions are implemented and monitored. The revised set of the City of Oakland SCAs includes new, modified, and reorganized SCAs; however, none of the revisions diminish or negate the ability of the SCAs considered “environmental protection measures” to minimize potential adverse environmental effects. As such, the SCAs identified in the SCAMMRP reflect the current SCAs only. This SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Analysis is also based on the analysis in the following Program EIRs that apply to the 1750 Broadway Project: Oakland’s 1998 General Plan Land Use and Transportation Element (LUTE) EIR (1998 LUTE EIR), the 2010 General Plan Housing Element Update EIR and 2014 Addendum, and the Redevelopment Plan Amendments EIR. None of the mitigation measures or SCAs from these Program EIRs are included in this SCAMMRP because they, or an updated or equally effective SCA, are identified in this CEQA Analysis for the 1750 Broadway Project.

To the extent any mitigation measure and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies SCA applicable to that topic in the CEQA Analysis. While an SCA can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation or SCA designator). The SCAs are numbered to specifically apply to the 1750 Broadway Project and this CEQA Analysis; however, the SCAs

as presented in the City's Standard Conditions of Approval and Uniformly Applied Development Standards document²³ are included in parenthesis for cross-reference purposes.

- The second column identifies the monitoring schedule or timing applicable to the Updated Project.
- The third column names the party responsible for monitoring the required action for the Updated Project.

The project applicant is responsible for compliance with any recommendations identified in City-approved technical reports all applicable mitigation measures adopted, and with all SCAs 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 SCAs will be the responsibility of the Bureau or Planning, Zoning Inspections Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

²³ A revised set of SCAs was published by the City of Oakland on November 5, 2018. Please reference revised SCOA dated, November 5, 2018.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
General		
<p>SCA GEN-1 (Standard Condition of Approval 15) <i>Regulatory Permits and Authorizations from Other Agencies</i></p> <p><u>Requirement:</u> The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p>	Prior to activity requiring permit/authorization from regulatory agency.	City of Oakland Bureau of Planning and applicable regulatory agency with jurisdiction
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16) <i>Trash and Blight Removal</i></p> <p>Requirement: 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 multi-family 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.	City of Oakland Bureau of Building
<p>SCA AES-2 (Standard Condition of Approval 17) <i>Graffiti Control</i></p> <p><u>Requirement:</u></p> <ul style="list-style-type: none"> <i>a.</i> 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: <ul style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <i>b.</i> The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following: <ul style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. iii. Replacing with new surfacing (with City permits if required). 	Ongoing.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow, and Wind (cont.)		
<p>SCA AES-3 (Standard Condition of Approval 18) Landscape Plan</p> <p>a. Landscape Plan Required</p> <p>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.</p> <p>b. Landscape Installation</p> <p>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. Landscape Maintenance</p> <p>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to building permit final.</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning</p> <p>b. City of Oakland Bureau of Building</p> <p>c. City of Oakland Bureau of Building</p>
<p>SCA AES-4 (Standard Condition of Approval 19): Lighting</p> <p><u>Requirement:</u> Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building
<p>SCA AES-5 (Standard Condition of Approval 20) Public Art for Private Development</p> <p><u>Requirement:</u> The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit</p> <p>Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.</p>	City of Oakland Bureau of Planning and Bureau of Building
Also SCA UTIL-2, Underground Utilities. See <i>Utilities and Service Systems</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 21) Dust Controls – Construction Related</p> <p><u>Requirement:</u> The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ol style="list-style-type: none"> Water all exposed surfaces of active construction areas at least twice daily. 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. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. Limit vehicle speeds on unpaved roads to 15 miles per hour. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. All trucks and equipment, including tires, shall be washed off prior to leaving the site. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. 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 one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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. 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. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. 	During construction.	City of Oakland Bureau of Building
<p>SCA AIR-2 (Standard Condition of Approval 22) Criteria Air Pollutant Controls – Construction Related</p> <p><u>Requirement:</u> 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> <ol style="list-style-type: none"> 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. 	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<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 Off-Road 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 use 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 and subject to 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, the project applicant shall provide written documentation that fleet requirements have been met.</p>		
<p>SCA AIR-3 (Standard Condition of Approval 23) <u>Diesel Particulate Matter Controls-Construction Related</u></p> <p>a. Diesel Particulate Matter Reduction Measures</p> <p><u>Requirement:</u> 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) from construction emissions. 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 current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. 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 acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>- or -</p> <p>ii. 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.</p>	<p>a. Prior to issuance of a construction related permit (i), during construction (ii).</p> <p>b. Prior to issuance of a construction related permit.</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building.</p> <p>b. City of Oakland Bureau of Planning and Bureau of Building.</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>b. Construction Emissions Minimization Plan (if required by a above)</p> <p><u>Requirement:</u> 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> <ol style="list-style-type: none"> 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. 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>SCA AIR-4 (Standard Condition of Approval 24) Exposure to Air Pollution (Toxic Air Contaminants)</p> <p>a. Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <ol style="list-style-type: none"> The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. <p>- or -</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods. Sensitive receptors shall be located on the upper floors of buildings, if feasible. 	<ol style="list-style-type: none"> Prior to issuance of a construction related permit. Ongoing. 	<ol style="list-style-type: none"> City of Oakland Bureau of Planning and Bureau of Building City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</p> <ul style="list-style-type: none"> Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> Installing electrical hook-ups for diesel trucks at loading docks. Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. Prohibiting trucks from idling for more than two minutes. Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p>NOTE: This Standard Condition of Approval has been implemented by the project applicant and no further action is required. An HRA for the Proposed Project was prepared and presented in the 1750 Broadway Project CEQA Checklist/Exemption Report, Consistent with Measure SCA AIR-3.a.i, no health risk reduction measures are required.</p>		
<p>SCA AIR-5 (Standard Condition of Approval 25) Stationary Sources of Air Pollution (Toxic Air Contaminants)</p> <p><u>Requirement:</u> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</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 to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p> <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>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<ul style="list-style-type: none"> i. Installation of non-diesel fueled generators, if feasible, or; 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. 		
SCA AIR-6 (Standard Condition of Approval 27) <i>Asbestos in Structures</i> <u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction
See SCA TRA-4, Transportation and Parking Demand Management Plan . See <i>Transportation and Circulation</i> , below.		
Biological Resources		
SCA BIO-1 (Standard Condition of Approval 30) <i>Tree Removal During Bird Breeding Season</i> <u>Requirement:</u> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. 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.	Prior to removal of trees	City of Oakland Bureau of Planning and Bureau of Building
SCA BIO-2 (Standard Condition of Approval 31) <i>Tree Permit</i> a. Tree Permit Required <u>Requirement:</u> Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.	<ul style="list-style-type: none"> a. Prior to approval of construction-related permit b. During construction. c. Prior to building permit final 	<ul style="list-style-type: none"> a. City of Oakland Public Works Department, Tree Division and Bureau of Building b. City of Oakland Public Works Department, Tree Division and Bureau of Building c. City of Oakland Public Works Department and Tree Division; Bureau of Building
b. Tree Protection During Construction <u>Requirement:</u> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist: <ul style="list-style-type: none"> i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<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><u>Requirement:</u> 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> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (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>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>iv. 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>		
Cultural Resources		
<p>SCA CUL-1 (Standard Condition of Approval 33) Archaeological and Paleontological Resources – Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City.</p> <p>Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p>	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
<p>SCA CUL-2 (Standard Condition of Approval 34) Archaeologically Sensitive Areas – Pre-Construction Measures</p> <p><u>Requirement:</u> The project applicant shall implement either Provision A (Intensive Pre-Construction Study) <u>or</u> Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>Provision A: Intensive Pre-Construction Study</p> <p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. A report disseminating the results of this research. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p>Provision B: Construction ALERT Sheet</p> <p>The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>	<p>Prior to approval of construction-related permit; during construction.</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
SCA CUL-3 (Standard Condition of Approval 35) Human Remains – Discovery During Construction <u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.	During construction.	City of Oakland Bureau of Building
Also SCA NOI-6, Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. See <i>Noise</i> , below.		
Geology, Soils, and Geohazards		
SCA GEO-1 (Standard Condition of Approval 37) Construction-Related Permit(s) <u>Requirement:</u> The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
SCA GEO-2 (Standard Condition of Approval 38) Soils Report <u>Requirement:</u> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
SCA GEO-3 (Standard Condition of Approval 40) Seismic Hazards Zone (Landslide/Liquefaction) <u>Requirement:</u> The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
Greenhouse Gases and Climate Change		
Also SCA AES-3, Landscape Plan. See <i>Aesthetics, Wind, and Shadow</i> , above.		
Also SCAs AIR-1, Dust Controls – Construction Related. See <i>Air Quality</i> , above.		
Also SCAs AIR-2, Criteria Air Pollutant Controls - Construction Related. See <i>Air Quality</i> , above.		
Also SCAs AIR-3, Diesel Particulate Matter Controls - Construction Related. See <i>Air Quality</i> , above.		
Also SCA TRA-4, Transportation and Parking Demand Management. See <i>Transportation and Circulation</i> , below.		
Also SCAs UTIL-1, Construction and Demolition Waste Reduction and Recycling; and UTIL-4, Green Building Requirements. See <i>Utilities and Service Systems</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 43) <i>Hazards Materials Related to Construction</i></p> <p><u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils; Properly dispose of discarded containers of fuels and other chemicals; Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. 	During construction.	City of Oakland Bureau of Building
<p>SCA HAZ-2 (Standard Condition of Approval 45): <i>Hazardous Materials Business Plan</i></p> <p><u>Requirement:</u> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. The location of such hazardous materials. An emergency response plan including employee training information. A plan that describes the manner in which these materials are handled, transported, and disposed. 	Prior to building permit final.	Oakland Fire Department
See SCA AIR-6, Asbestos in Structures . See <i>Air Quality</i> , above.		
See SCA TRA-1, Construction Activity in the Public Right-of-Way . See <i>Transportation and Traffic</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality		
SCA HYD-1 (Standard Condition of Approval 49) Erosion and Sedimentation Control Plan for Construction		
<p>a. Erosion and Sedimentation Control Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	City of Oakland Bureau of Building
<p>b. Erosion and Sedimentation Control During Construction</p> <p><u>Requirement:</u> The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p>		
SCA HYD-2 (Standard Condition of Approval 54) NPDES C.3 Stormwater Requirements for Regulated Projects		
<p>a. Post-Construction Stormwater Management Plan Required</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff. 	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to building permit final</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building</p> <p>b. City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality (cont.)		
<p>b. Maintenance Agreement Required</p> <p><u>Requirement:</u> The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>		
Also SCAs GEO-1, Construction-Related Permit(s) and GEO-2, Soils Report. See <i>Geology, Soils, and Geohazards</i> , above.		
Also SCA UTIL-6, Storm Drain System. See <i>Utilities and Service Systems</i> , below.		
Noise		
<p>SCA NOI-1 (Standard Condition of Approval 62) Construction Days/Hours</p> <p><u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday. c. No construction is allowed on Sunday or federal holidays. <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.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>SCA NOI-2: (Standard Condition of Approval 63) Construction Noise</p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. <p><u>Except as provided herein</u>, 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, <u>if such jackets are commercially available</u>, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever <u>such procedures are available and consistent with construction procedures</u>.</p> <ol style="list-style-type: none"> Applicant shall use temporary power poles instead of generators where feasible. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or <u>use other measures as determined by the City to provide equivalent noise reduction</u> <u>The</u> noisiest phases of construction shall be limited to less than 10 days at a time. <u>Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</u> 	During construction.	City of Oakland Bureau of Building
<p>SCA NOI-3 (Standard Condition of Approval 64) Extreme Construction Noise</p> <p>a. Construction Noise Management Plan Required</p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures <u>include, but are not limited to, the following:</u></p> <ol style="list-style-type: none"> Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; 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; Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; 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 <u>and implement such measure if such measures are feasible and would noticeably reduce noise impacts;</u> and Monitor the effectiveness of noise attenuation measures by taking noise measurements. 	<ol style="list-style-type: none"> Prior to approval of construction-related permit. During construction. 	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>b. Public Notification Required</p> <p><u>Requirement:</u> The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>		
<p>SCA NOI-4: (Standard Condition of Approval 65) Project-Specific Construction Noise Reduction Measures</p> <p><u>Requirement:</u> The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on adjacent residences. The project applicant shall implement the approved Plan during construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-5 (Standard Condition of Approval 66) Construction Noise Complaints</p> <p><u>Requirement:</u> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> Designation of an on-site construction complaint and enforcement manager for the project; 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; Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-6 (Standard Condition of Approval 67) Exposure to Community Noise</p> <p><u>Requirement:</u> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities 	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA NOI-7 (Standard Condition of Approval 68) Operational Noise</p> <p><u>Requirement:</u> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
SCA NOI-8 (Standard Condition of Approval 70) <i>Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</i> <u>Requirement:</u> 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 1770 Broadway abutting the Project site to the north. 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.	Prior to construction.	City of Oakland Bureau of Building
SCA NOI-9 (Standard Condition of Approval 69) <i>Exposure to Vibration</i> <u>Requirement:</u> The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following: <ol style="list-style-type: none"> Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified 	Prior approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
Population and Housing		
SCA POP-1 (Standard Condition of Approval 72) <i>Affordable Housing Impact Fee</i> <u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).	Prior to issuance of building permit; subsequent milestones pursuant to ordinance.	City of Oakland Bureau of Building
Public Services		
SCA PUB-1 (Standard Condition of Approval 74) <i>Capital Improvements Impact Fee</i> <u>Requirement:</u> 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).	Prior to issuance of building permit.	City of Oakland Bureau of Building
Transportation and Circulation		
SCA TRA-1 (Standard Condition of Approval 76) <i>Construction Activity in the Public Right-of-Way</i> a. Obstruction Permit Required <u>Requirement:</u> The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.	a. Prior to approval of construction-related permit.	a. City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>b. Traffic Control Plan Required</p> <p><u>Requirement:</u> 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><u>Requirement:</u> The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>	<p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	<p>b. City of Oakland Department of Transportation</p> <p>c. City of Oakland Department of Transportation</p>
<p>SCA TRA-2 (Standard Condition of Approval 77) Bicycle Parking</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA TRA-3 (Standard Condition of Approval 78) Transportation Improvements</p> <p><u>Requirement:</u> The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <p>a. 2070L Type Controller with cabinet accessory</p> <p>b. GPS communication (clock)</p> <p>c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)</p> <p>d. Countdown pedestrian head module switch out</p> <p>e. City Standard ADA wheelchair ramps</p> <p>f. Video detection on existing (or new, if required)</p>	Prior to building permit final or as otherwise specified.	City of Oakland Bureau of Building and Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<ul style="list-style-type: none"> g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner) 		
<p>SCA TRA-4 (Standard Condition of Approval 79) Transportation and Parking Demand Management</p> <p>a. Transportation and Parking Demand Management (TDM) Plan Required</p> <p><u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <ul style="list-style-type: none"> i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. • Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> — Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR — Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> • Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. • Proposed TDM strategies to achieve VTR goals (see below). iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program. iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR. 	<ul style="list-style-type: none"> a. Prior approval of planning application. b. Prior to building permit final c. Ongoing 	<ul style="list-style-type: none"> a. City of Oakland Bureau of Planning b. City of Oakland Bureau of Building c. City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
Transportation and Circulation (cont.)			
Improvement	Required by code or when...		
Bus boarding bulbs or islands	<ul style="list-style-type: none"> A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 		
Bus shelter	<ul style="list-style-type: none"> A stop with no shelter is located within the project frontage, or The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 		
Concrete bus pad	<ul style="list-style-type: none"> A bus stop is located along the project frontage and a concrete bus pad does not already exist 		
Curb extensions or bulb-outs	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and The project would generate 500 or more daily bicycle trips 		
Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and The project would generate 400 or more peak period transit trips 		
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> Always required 		
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection 		
In-street bicycle corral	<ul style="list-style-type: none"> A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 		
Intersection improvements²⁴	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> Always required 		
No monthly permits and establish minimum price floor for public parking²⁵	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 		
Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 		

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
Transportation and Circulation (cont.)			
Improvement	Required by code or when...		
Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units. 		
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required 		
Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
Pedestrian-supportive signal changes²⁶	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 		
Real-time transit information system	<ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		
Relocating bus stops to far side	<ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 		
Signal upgrades²⁷	<ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years 		
Transit queue jumps	<ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		
Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect 		
Unbundled parking	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 		
iii. Other TDM strategies to consider include, but are not limited to, the following: <ul style="list-style-type: none"> Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. 			

²⁴ Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

²⁵ May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

²⁶ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

²⁷ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<ul style="list-style-type: none"> Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively) and any applicable streetscape plan. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). Guaranteed ride home program for employees, either through 511.org or through separate program. Pre-tax commuter benefits (commuter checks) for employees. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. Distribution of information concerning alternative transportation options. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. Parking management strategies including attendant/valet parking and shared parking spaces. Requiring tenants to provide opportunities and the ability to work off-site. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p><u>When Required</u>: Prior to approval of construction-related permit</p> <p><u>Initial Approval</u>: Bureau of Planning</p> <p><u>Monitoring/Inspection</u>: N/A</p> <p>b. TDM Implementation – Physical Improvements</p> <p><u>Requirement</u>: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p><u>When Required</u>: Prior to building permit final</p> <p><u>Initial Approval</u>: Bureau of Building</p> <p><u>Monitoring/Inspection</u>: Bureau of Building</p> <p>c. TDM Implementation – Operational Strategies</p> <p><u>Requirement</u>: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p> <p>NOTE: This measure has been implemented by the project applicant and no further action is required. The TDM Plan is included as Appendix A to the 1750 Broadway Project CEQA Checklist/Exemption Report.</p>		
<p>SCA TRA-4 (Standard Condition of Approval 80) Transportation Impact Fee</p> <p><u>Requirement</u>: 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).</p>	Prior to issuance of building permit.	City of Oakland Bureau of Building
<p>SCA TRA-5 (Standard Condition of Approval 83) Plug-In Electric Vehicle (PEV) Charging Infrastructure</p> <p>a. PEV-Ready Parking Spaces</p> <p><u>Requirement</u>: The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p>	Prior to Issuance of Building Permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		
<p>b. PEV-Capable Parking Spaces</p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p>c. ADA-Accessible Spaces</p> <p><u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).</p>		
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 84) Construction and Demolition Waste Reduction and Recycling</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 85) Underground Utilities</p> <p><u>Requirement:</u> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction.	City of Oakland Bureau of Building
<p>SCA UTIL-3 (Standard Condition of Approval 86) Recycling Collection and Storage Space</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of 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>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA UTIL-4 (Standard Condition of Approval 87) Green Building Requirements</p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p> <p>c. Prior to final approval.</p>	<p>a. City of Oakland Bureau of Building Inspections</p> <p>b. City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<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. All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. Compliance with the appropriate and applicable checklist approved during the Planning entitlement process. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. The required green building point minimums in the appropriate credit categories. <p>b. Compliance with Green Building Requirements During Construction</p> <p><u>Requirement:</u> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. 		<p>c. City of Oakland Bureau of Planning and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<p>c. Compliance with Green Building Requirements After Construction</p> <p><u>Requirement:</u> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>		
<p>SCA UTIL-5 (Standard Condition of Approval 89) Sanitary Sewer System</p> <p><u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-6 (Standard Condition of Approval 90) Storm Drain System</p> <p><u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA UTIL-7 (Standard Condition of Approval 92) Water Efficient Landscape Ordinance (WELO)</p> <p><u>Requirement:</u> The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.</p> <p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p> <p><i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <p>a. Project Information:</p> <ol style="list-style-type: none"> Date, Applicant and property owner name, Project address, Total landscape area, Project type (new, rehabilitated, cemetery, or home owner installed), Water supply type and water purveyor, Checklist of documents in the package, and Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package." 	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Utilities and Service Systems (cont.)		
<ul style="list-style-type: none"> b. Water Efficient Landscape Worksheet <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use c. Soil Management Report d. Landscape Design Plan e. Irrigation Design Plan, and f. Grading Plan <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. Effective May 1, 2018 Page 77 http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p>		
Also SCAs HYD-1, Erosion and Sedimentation Control Plan for Construction , and HYD-2, NPDES C.3 Stormwater Requirements for Regulated Projects . See <i>Hydrology and Water Quality</i> , above.		

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ATTACHMENT B

Project Consistency with Community Plan or Zoning, Per CEQA Guidelines Section 15183

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

Further, Section 15183 states,

- (b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
 - (1) Are peculiar to the project or the parcel on which the project would be located,
 - (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
 - (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
 - (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
- (c) If an impact is not peculiar to the parcel or to the 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, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

Section 15183 (f) states, "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect."

Project Consistency. In accordance with State CEQA Guidelines 15183, the Project qualifies for a Community Plan Exemption because the following findings can be made:

- The General Plan land use designation for the Project site is Central Business District (CBD). This designation applies to areas suitable for high density mixed-use urban center with a mix of large-scale offices, commercial, urban (high-rise) residential, and infill hotel uses, among many others, in the central Downtown core of the City. The proposed residential mixed-use development would be consistent with this designation.
- The site is zoned Central Business District Pedestrian Retail Commercial Zone (CBD-P) and Central Business District General Commercial Zone (CBD-C). The Proposed Project would be consistent with the purposes of the CBD-P zone, which is generally intended to create, maintain, and enhance areas Central Business District appropriate for a wide range of ground-floor retail, office and other commercial activities. Upper story spaces are intended to be available for a wide range of office and residential activities. The Proposed Project would also be consistent with the purposes of the CBD-C zone, which is generally intended to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities. The Proposed Project would develop ground-floor commercial retail space with upper level residential use.
- The Proposed Project is consistent with the development density established by existing zoning and General Plan policies for the site, and there are no peculiar aspects that would increase the severity of any of the previously identified significant cumulative effects in the LUTE EIR.
- The Project is consistent with the development goals in the Central District Urban Renewal Plan (Renewal Plan). The Renewal Plan EIR details particular projects and programs that are anticipated to include targeting investments and activities toward certain catalyst projects, infrastructure improvement projects and infill development projects that are consistent with the General Plan. The Project is consistent with at least two major goals of these projects and programs:
 - Re-establishment of residential area for all economic levels within specific portions of the Redevelopment Project Area.
 - Provisions of employment and other economic benefits to disadvantaged persons living within or near the Redevelopment Project Area.
- The Project is consistent with the City of Oakland's Housing Element of the General Plan, updated for 2015-2023. The 2015-2023 Housing Element indicates that there are as many as 10,400 new housing units that are allowable within the Downtown under current zoning designations, with a likely number of 4,310 housing units to be developed within the Downtown without rezoning or further General Plan Amendments, through opportunity sites and with projects either built, under construction, approved or in predevelopment. Although not specifically identified as an individual Housing Opportunity Site under the Housing Element, the Project site does meet three of the four Housing Elements criteria of sites suitable for new housing development, including:
 - It is an underutilized site with outmoded facilities and/or marginal existing use;

- It is within Downtown, which accounts for the largest number of potential housing units, as the densities of permitted development are higher than most other areas;
- It is located along one of the City's major commercial corridors (Broadway) and utilizes ground floor commercial space with housing above, as encouraged by zoning and development guidelines to maximize residents' access to services including retail opportunities, transportation alternatives and civic activities, while reducing the need for automobiles, thus increasing the sustainability of such development.

Project-specific impacts peculiar to the project or site, or those not analyzed in a prior EIR.

Because the Project is consistent with the policies, land use designation, and development parameters in the LUTE and the Housing Element EIRs, the Project's potential contribution to cumulatively significant effects has already been addressed in those prior EIRs. In addition, the Renewal Plan EIR analyzed the cumulative effects of development projects that would occur absent the Renewal Plan Amendments, which would include 1750 Broadway, which is not specifically addressed in the EIR.

Therefore, consistent with CEQA Guidelines Section 15183 which allows for streamlined environmental review, this document needs only to consider whether there are project-specific effects peculiar to the project or its site, and relies on the streamlining provisions of CEQA Guidelines Section 15183 to not re-consider cumulative effects.

New Significant Effects

The Project would not cause new specific effects that were not addressed in the LUTE EIR, the Housing Element EIR, or the Renewal Plan EIR. The analysis of the Project in the CEQA Exemption analysis includes all the resource topics identified as potentially incurring significant unavoidable impacts, and concludes that there would be no impacts that were not analyzed in prior EIRs.

Specifically, the analysis in the CEQA Exemption analysis included the resource topics that the Renewal Plan EIR and Housing Element EIR determined could have significant impacts:

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

In addition, the analysis of possible exceptions to the Class 32 exemption identified in Section 15300.2 provides an analysis of:

- Historic Resources
- Hazardous Materials
- Greenhouse Gases
- Aesthetics (shadow and wind)

As these analyses demonstrate, the Project would not substantially increase the severity of the significant impacts identified in the LUTE EIR, Housing Element EIR and 2014 Addendum, or Renewal Plan EIR, nor would it result in new significant impacts that were not identified in these Previous EIRs. Further, there have been no substantial changes in circumstances following certification of the Renewal Plan EIR in 2011 or Housing Element Update EIR in 2015 that would result in any new specific significant effects of the Project.

Substantial New Information

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

Standard Conditions of Approval

SCAs incorporate policies and standards from various adopted plans, policies, and ordinances, which have been found to substantially mitigate environmental effects. The SCAs are adopted as requirements of an individual Project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects, thus meeting the provision of Section 15183 (f), which states that impacts that are addressed by uniformly applied development standards (in this case, City of Oakland SCAs) are not considered peculiar to the parcel for the purpose of requiring further environmental review. Therefore, the Project requires no additional environmental review under California Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.

ATTACHMENT C

In-fill Performance Standards, Per CEQA Guidelines Section 15183.3

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

- A. Document whether the infill project satisfies the applicable performance standards in Appendix M.
- B. Explain whether the effects of the infill project were analyzed in a prior EIR
- C. Explain whether the infill project will cause new specific effects (defined as “an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site”).
- D. Explain whether substantial new information shows that the adverse environmental effects of the infill project are more significant (defined as “substantially more severe”) than described in the prior EIR.

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

Table C-1 below shows how the Proposed Project satisfies each of the applicable requirements.

Consistent with CEQA Guidelines Section 15183.3(a), which allows streamlining for qualified infill Projects, this environmental document is limited to topics applicable to Project-level review where the effects of infill development have been addressed in other planning level decisions of the General Plan Land Use and Transportation Element (LUTE) and LUTE Environmental Impact Report (EIR) (1998), the Redevelopment Plan Amendments EIR (2011), the Housing Element EIR and Addendum (2007-1014 and Update 2015-2023), or by uniformly applicable development policies (Standard Conditions of Approval) which mitigate such impacts. As the analysis in the section above titled “Consistency with Community Plan” demonstrates, the Project would not substantially increase the severity of the significant impacts identified in the prior EIRs, nor would it result in new significant impacts that were not identified in the prior EIRs. Further, there have been no substantial changes in circumstances following certification of the Redevelopment Plan Amendments EIR or the Housing Element Update EIR that would result in any new specific effects. Therefore, this document fulfills the review requirements for the Project pursuant to Section 15183.3.

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])</p>	<p>Yes.</p> <p>The project site has been previously developed with commercial uses and surface parking lots, and adjoins existing urban uses, as described in the Project Description, above., (Section 5).</p>
<p>2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:</p>	<p>—</p>
<p>2a. <i>Performance Standards Related to Project Design.</i> All projects must implement all of the following:</p>	<p>—</p>
<p>Renewable Energy.</p> <p><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.</p> <p><i>Residential Projects.</i> Residential projects are also encouraged to include such on site renewable power generation.</p>	<p>The Proposed Project would not include renewable power generation. According to Section IV (G) of CEQA Appendix M, for mixed-use projects "...the performance standards in this section that apply to the predominant use shall govern the entire project." Because the predominant use is residential, the Proposed Project is not required to include on-site renewable power generation.</p>
<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>Database searches of the State Water Resources Control Board (SWRCB) Geotracker (SWRCB, 2017) and the California Environmental Protection Agency Department of Toxic Substances Control (DTSC) Envirostor online databases (DTSC, 2017) were utilized to identify known environmental cases on the Project site. The Project site is not included on any of the data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements.</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</p>	<p>Yes.</p> <p>As discussed in Section 9.6. Air Quality of the CEQA Checklist, an air quality screening was prepared for the Proposed Project.</p> <p>The Proposed Project would include a diesel backup generator (a new source of TAC emissions). The BAAQMD requires implementation of Best Available Control Technology for Toxics and would deny an Authority to Construct or a Permit to Operate for any new or modified source of TACs that exceeds a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0. The permitting requirements would ensure that the health risks of the Proposed Project on the environment also would be less-than-significant.</p>

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>2. cont. 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>The Project site is within 1,000 feet of 15 permitted stationary sources of TACs. There are no roadways with greater than 10,000 average daily trips within 1,000 feet of the Project site. The results of the screening analysis factoring in the stationary TAC sources near the Project site, adjusted for distance and factoring in applicable Oakland Standard Conditions of Approval (SCAs), indicate that future residents of the Proposed Project would not be exposed to cumulative cancer risks exceeding 100 in one million, and the cumulative impact would be less-than-significant.</p>
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.</p>	
<p>Residential. A residential project must meet <u>one</u> of the following:</p> <p>A. <i>Projects achieving below average regional per capita vehicle miles traveled (VMT).</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p>B. <i>Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p>C. <i>Low - Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Yes.</p> <p>The Proposed Project is eligible under Sections (A) and (B).</p> <p>As summarized in the transportation and circulation section above, the Proposed Project is located in TAZ 971. The 2020 and 2040 VMT for TAZ 971, are 15 percent below the regional average.</p> <p>The Proposed Project is eligible under Section (B). The Project site is well-served by multiple transit providers. Transit service providers in the Project vicinity include Bay Area Rapid Transit (BART) and AC Transit. The Proposed Project would be located adjacent to the 19th Street BART Station and within 0.2 miles of frequent bus service along Broadway (Route 18 with 15-minute peak headways, and Route 51A with 10-minute peak headways) and 20th Street (Thomas L. Berkeley Way) (Route 6 with 10-minute peak headways and Routes 72/72M/72R with 10- to 12-minute peak headways)</p> <p>Broadway also qualifies as a “High Quality Transit Corridor,” as defined by Section II of Appendix M, with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway along the Project frontage with a stop at Broadway at 17th Street, and has service intervals no longer than 15 minutes during peak commute hours. Other bus routes in the Project vicinity further satisfy this criterion.</p>

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

	CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
2. cont.	<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(f)(1), are eligible.</p>	<p>Not Applicable.</p>
	<p>Small Walkable Community Projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (f)(5), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable.</p>
3.	<p>Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, <u>except</u> as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p>	<p>Yes</p> <p>(see explanation below table)</p>

**TABLE C-1
PROJECT INFILL ELIGIBILITY**

CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>3. cont. (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; <u>or</u></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>	

NOTE:

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

Explanation for Eligibility Criterion 3 (from Table C-1 above)

The adopted Plan Bay Area (2017) serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375. As defined by the Plan, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. The 1750 Broadway Project is located within a PDA that includes all of Downtown and Uptown Oakland. The Proposed Project is consistent with the Oakland General Plan and the Planning Code, as discussed in Attachment B and noted below.

- The General Plan land use designation for the Project site is Central Business District (CBD). This designation applies to areas suitable for high density mixed-use urban center with a mix of large-scale offices, commercial, urban (high-rise) residential, and infill hotel uses, among many others, in the central Downtown core of the City. The proposed residential mixed-use development would be consistent with this designation.
- The site is zoned Central Business District – Pedestrian Retail Zone (CBD-P). The Proposed Project would be consistent with the purposes of the CBD-P zone, which is generally intended to create, maintain, and enhance areas Central Business District appropriate for a wide range of ground-floor retail, office and other commercial activities. Upper story spaces are intended to be available for a wide range of office and residential activities. The Proposed Project would also be consistent with the purposes of the CBD-C zone, which is generally intended to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities. The Proposed Project would develop ground-floor commercial retail space with upper level residential use.

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