## 3300 BROADWAY PROJECT CEQA ANALYSIS

Prepared for:

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

Prepared By:

Lamphier–Gregory 1944 Embarcadero Oakland, CA 94606



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#### 3300 Broadway CEQA Analysis

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

Date:	November 2017
Project Address:	3300 Broadway
Project Number:	PLN17005 and CP17001 (for Creek Permit)
Zoning:	D-BV-3 (Mixed Use Boulevard Zone)
General Plan:	Community Commercial
APN:	009-0703-042-00
Lot Size:	16,960 square feet
Plan Area:	Broadway Valdez District Specific Plan
Applicant:	3300 Broadway Investors, LLC 300 Frank Ogawa Plaza, Suite 340 Attn: Mark McClure (510) 463-6338
Staff Contact:	Maurice Brenyah-Addow (510) 238-6342 mbrenyah@oaklandnet.com

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#### **EXECUTIVE SUMMARY**

The project applicant, 3300 Broadway Investors, LLC, is proposing to redevelop a site within the Broadway-Valdez District Specific Plan (BVDSP or Plan) area with a mixed-use residential development. The project site is in Subdistrict 5 of the North End subarea of the Plan. The proposed 3300 Broadway project (proposed project) would demolish the existing 1-story structure on site and replace it with a five-story approximately 65,000 gross square foot building, up to 55 feet in height at the roof level. The proposed project would include approximately 39,133 square feet of rentable residential space (45 residential units), approximately 2,824 square feet of ground floor commercial space along Broadway, parking for 46 vehicles on the interior of the ground floor (using stacking devices), and approximately 40 bicycle parking spaces.

The existing building has a combined floor area of approximately 15,900 square feet and contains three separate rentable spaces: the space facing Broadway (3,086 square feet) is a vacant retail space. Of the other two, one is an auto detailing business and the other is an auto repair business. The structure may have been constructed over a period of time, as each of the rentable spaces shares a common interior load bearing wall. However, the site is identified with only one Assessor's Parcel Number and therefore, for the purposes of this environmental assessment, the site is described and referred to as one building. The building is not considered an historic resource under the California Environmental Quality Act (CEQA).

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

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

**Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was

<sup>&</sup>lt;sup>1</sup> Environmental Science Associates (ESA), 2013. *Broadway Valdez District Specific Plan, Draft Environmental Impact Report*. SCH No. 2012052008. September.

Environmental Science Associates (ESA), 2014. *Broadway Valdez District Specific Plan, Responses to Comments and Final EIR*. May. These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza, #3115, or online at http://www2.oaklandnet.com/Government/o/PBN/OurServices/Plans/DOWD008194.

certified, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site." Section 15183(c) specifies that "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards ..., then an additional EIR need not be prepared for the project solely on the basis of that impact."

**Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics that are subject to review at the project level, provided the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area and on a site that either has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter, able to satisfy the performance standards provided in CEQA Guidelines Appendix M, and consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects or if uniformly applicable development policies such effects.

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

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

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

**Community Plan Exemption.** As stated in Section 1.2.2 of the BVDSP, when development proposals in the BVDSP area are brought before the City, the staff and decision-makers use the BVDSP as a guide for project review. Projects are evaluated for consistency with the intent of BVDSP policies and conformance with development regulations. The environmental review of the BVDSP was intended to expedite the processing of future projects that are consistent with the BVDSP. Therefore, consistent with Section 1.2.3 of the BVDSP and CEQA Guidelines Section 15183, this CEQA Analysis satisfies, based on the analysis conducted in this document, the requirements for a community plan exemption. The proposed project is permitted in the zoning district where the project site is located and consistent with

the bulk, density, and land use standards envisioned in the BVDSP<sup>2</sup>. The CEQA Checklist below concludes that the proposed project would not result in significant impacts that (1) would be peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the BVDSP EIR; or (3) were previously identified as significant but later found to have a more severe adverse impact than that discussed in the EIR. Findings regarding the proposed project's consistency with the BVDSP are included as Attachment B to this document.

**Qualified Infill Exemption**. The analysis conducted indicates that the proposed project is eligible for a qualified infill exemption, pursuant to CEQA Guidelines Section 15183.3. The infill eligibility criteria are evaluated in Attachment C and supported by the CEQA Checklist included below.

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

The Illustrative Development Program Map in Appendix D of the BVDSP identifies the project site as an "opportunity site" and the accompanying Table D.1 Illustrative Development Plan Program outlines conceptual dwelling unit counts and commercial use square footage for sites within Subdistrict 5. In addition, Figure 3-11, *Broadway Valdez Development Program Physical Height Model*, of the BVDSP EIR shows the development heights anticipated under one of many potential buildout scenarios.

The proposed project would provide approximately 10 percent of the dwelling units and approximately 1.3 percent of the commercial square footage proposed under the scenario depicted in Appendix D of the BVDSP, as shown in Table D1. That is, 45 dwelling units out of 445 estimated for Subarea 5, and 2,800 square feet of retail space out of 209,460 total for the subdistrict as a whole. The proposed

<sup>&</sup>lt;sup>2</sup> The project includes an affordable housing component which enables the use of a concession which, in this case, would be applied to permitting additional height not otherwise permitted on this site. With the concession, the project is consistent with applicable zoning regulations and standards and the BVSP.

project would reach 55 feet in height to the roof level, higher than the BVDSP's Appendix B, Existing and Proposed Draft Zoning and Height Area Maps.

The Illustrative Development Program Map is conceptual only and illustrates one of many possible development scenarios under the BVDSP, a plan that specifically did not prescribe or assume exact land uses on a site-by-site basis, and the proposed project is consistent with the zoning for the site, as described in Attachment B.

The project is expected to generate no AM and nine PM net new peak-hour vehicle trips. Together with trips generated by other projects in the North End subarea of the Specific Plan area that are currently under construction, approved, or proposed for development, this would represent: approximately 49 percent of the AM and 47 percent of the PM peak-hour trips anticipated in the BVDSP EIR; approximately 33 percent of the AM and 39 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the North End subarea; and approximately 30 percent of the AM and 35 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 5.

While the number of residential units proposed by the project combined with the number of residential units for projects under construction, approved, and proposed in the Plan Area would exceed the Development Program Buildout assumptions in the BVDSP EIR (2,802 net new residential units proposed compared to 1,800 residential units described in the EIR), the total amount of commercial space constructed and/or proposed is substantially less that that analyzed in the EIR.<sup>3</sup> Because trip generation from the proposed project, combined with that of other projects that are currently being developed under the BVDSP, would be within the scope of the program analyzed under the BVDSP EIR for the Plan Area, the North End, and Subdistrict 5, the traffic impact analysis, which the EIR determined was the key environmental factor constraining development, remains valid. Therefore, the proposed project meets the requirements for preparation of an addendum, as described in Attachment D to this document.

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

<sup>&</sup>lt;sup>3</sup> Approximately 258,800 gross square feet of net new commercial uses (i.e., office and commercial/retail uses) have been constructed and/or proposed compared to approximately 695,000 square feet of office space and 1,114,000 square feet of restaurant/retail space analyzed in the EIR.

Table 1. Comparison of BVDSP Development Program, Illustrative Development Program Map, andProposed Project

Development Characteristics	Total BVDSP Development Program <sup>a</sup>	Illustrative Development Program Map – Subdistrict 5	Proposed Project
Height	Varies (45 – 250 feet)⁵	45 feet	Five stories (55 feet)
Residential Units	1,800	445	45
Retail Square Feet	1,114,050 sf	209,460 sf	2,824 sf
Notes: Sf = square feet			

<sup>a</sup> Development Program Grand Total, listed in Appendix D, Table D.1: Illustrative Development Plan Program Map by Subdistrict;

<sup>b</sup> Broadway Valdez District Specific Plan, Figure B-4 Proposed Height Areas

Sources: City of Oakland. 2014. Broadway Valdez District Specific Plan. Adopted June. YHL Architecture, 2016. 3300 Broadway Planning Department Resubmittal, 8/4/2017.

#### **PROJECT DESCRIPTION**

#### **Project Location**

The project site is located at 3300 Broadway on the northern end of the block bounded by Broadway to the west, Piedmont Avenue the north, Richmond Boulevard to the east and Brook Street to the south, as shown in Figures 1 and 2. The site consists of one parcel (APN 009-0703-042-00). The project site is in the Broadway Auto Row neighborhood, north of Uptown Oakland and south of Pill Hill/Kaiser Medical Center. The site is in the Broadway Valdez District Specific Plan Area, North End Subarea, subdistrict 5.

The project site is accessible from Interstate 580 (I-580), approximately 600 feet to the north, and Interstate 980, approximately 2,500 feet to the west. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 1, 1R, 51A, 800, and 851. The MacArthur Bay Area Rapid Transit District (BART) station is approximately 0.65 mile northwest of the site, and the 19<sup>th</sup> Street BART station is approximately 1 mile south of the site.

#### **Existing Conditions**

The approximately 16,960-square-foot site slopes gently downward from the Broadway frontage to the rear of the parcel, where Brook Street bends towards the south; the Broadway property line is approximately 5 feet higher in elevation than the rear property line. The southeastern corner of the parcel encroaches within 20 feet of the top of bank of the Broadway Branch of Glen Echo Creek where it emerges from a culvert and flows downstream through an open channel, ultimately discharging into Lake Merritt. Under the City of Oakland Creek Protection Ordinance, the proximity of the project site to the creek requires a Category 3 Creek Protection Permit and submittal and approval of a creek protection plan. A creek protection plan has been prepared, setting forth the details of how the creek is to be protected from erosion or other impacts during construction of the project.

Of the three rentable spaces within the building, the one facing Broadway, a former retail space, is vacant; the others are an auto detailing business (3070 Brook Street) and an auto repair business (3074 Brook Street). Immediately adjacent to the existing building is a vacant lot, surrounded by a chain link fence.

The building has an Oakland Cultural Heritage Survey (OCHS) ratings of Eb-2 which is a rating given by OCHS to buildings "...of no particular interest."<sup>4</sup> The building is identified in the BVDSP EIR as a

<sup>&</sup>lt;sup>4</sup> Oakland Cultural Historic Survey, Historical and Architectural Rating System, accessed at <u>http://www2.oaklandnet.com/government/o/PBN/OurServices/Historic/DOWD009155</u>

contributor to an Area of Secondary Importance (ASI)<sup>5</sup>. The building does not meet the City of Oakland's criteria for consideration as historic resources per CEQA.

There are no street trees on the project site's street frontages. There are currently two curb cuts providing access to the rentable spaces fronting on Brook Street. The project site context and the immediate vicinity are shown in Figure 3.

Supporting information relied upon in this CEQA Assessment includes a Phase I Environmental Site Assessment and a Phase II Subsurface Investigation Report performed in November and December 2005, respectively.<sup>6</sup> The latter report summarizes the results of site investigation which included drilling, sampling and laboratory testing from five shallow boreholes drilled through the concrete floor at selected locations within the existing building. The Phase II report concluded that there are no significant concerns of contamination due to suspected volatile organic compounds (VOCs) or petroleum hydrocarbons in the soils beneath the building.



Figure 1. Project Location

<sup>&</sup>lt;sup>5</sup> Area of Secondary Importance is an area or district that is of local interest, but is not eligible for the National Register of Historic Places and is not considered a historical resource under CEQA. See ESA (Environmental Science Associates) *Broadway-Valdez District Specific Plan Draft EIR*, Appendix A to Appendix D, Historic Resources Inventory, July 2009, p. A-2.

<sup>&</sup>lt;sup>6</sup> AEI Consultants, *Phase I Environmental Site Assessment*, November 8, 2005; *Subsurface Investigation Report*, December 9, 2005.



Figure 2. Project Site

Figure 3. Project Site Context



The General Plan land use designation for the project site is Community Commercial. This designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland's major corridors and in shopping districts or centers. The project site is zoned D-BV-3 (Mixed Use Boulevard Zone) which allows a relatively wide range of ground-floor office and other commercial activities with upper-story spaces intended to be available for a broad range of residential, office, or other commercial activities. The D-BV-3 zone requires ground floor commercial uses along Broadway. The project site is in a height area where the maximum height permitted is 45 feet. The proposed building is five stories, reaching a height of 55 feet. The extra height is allowable as a "concession" in return for project's commitment to include 10 percent of the dwellings as affordable to low income tenants.

Surrounding land uses in the vicinity of the proposed project include automobile repair and sales, medical facilities, commercial uses, and residential uses. Sprouts Farmers Market grocery store is slightly south of the project site and on the other side of Broadway, and the proposed 3093 Broadway mixeduse residential project is under construction, directly across from the project site. Auto repair businesses are immediately adjacent to the site to the south. The Broadway Webster Medical Plaza is across Broadway, with more auto dealerships further beyond. A CVS Pharmacy and Grocery Outlet are to the south at 30<sup>th</sup> Street, with residences further beyond to the southeast on Brook Street.

#### **Project Characteristics**

The proposed project would demolish the existing building and clear the site. The proposed mixed-use residential project would be approximately 65,000 gross square feet in size, would reach a height of 55 feet, consisting of five stories, with a mezzanine at the rear of the building designated as residential storage space. The project proposes approximately 39,133 rentable square feet of residential uses (45 residential units), approximately 13,892 square feet of open space, and approximately 2,824 square feet of ground-floor commercial space facing Broadway. The project would also provide off-street parking for 46 cars, using stacking devices on the interior of the ground floor, as well as parking for 40 bicycles. The project characteristics are shown in Table 2 below, and the site plans, typical floor plans, typical section, and elevation views are shown in Figures 2 through 7.

Ground floor retail or a restaurant of approximately 2,814 square feet would face Broadway in a 15 foot high space with residential apartments above on floors two through five. Vehicular entrance to the parking would be from Brook Street adjacent to the residential lobby entrance. Beyond the lobby, facing the adjacent vacant lot would be a 1,177 square foot residential amenity space (e. g., exercise equipment, spa).

The project proposes to provide approximately 13,892 square feet of open space consisting of a second floor courtyard, private decks, and a small lower roof deck and a larger (approximately 8,620-square-foot) upper roof deck at the top of the building.

### **Table 2.** Proposed Project Characteristics

Project	Dimensions (Square Feet)
Lot Size	16,960
Uses	Area (Square Feet)
Residential (Net Rentable)	39,133
Residential Amenity Space	3,124
Commercial (Retail)	2,824
Other (Parking, Residential Common Area & Utilities)	19,872
Total Building Size (Gross)	64,953
Total Dwelling Units	45
1-bedroom	15 (33%)
2-bedroom	30 (66%)
Parking	Number of Spaces
Parking Spaces - Cars	46
Parking Spaces - Bicycles	40
Open Space	Area (square feet)
Second Floor Courtyard	1,736
Private Deck	1,325
Lower Roof Deck	2,211
Upper Roof Deck	8,620
Total Open Space Source: YHL Architects 8/4/2017	13,892



Figure 4. Site/Ground Floor Plan; Note Alignment of Glen Echo Creek at Northeast Corner

Figure 5. Second Floor Level Plan



## Figure 6. Third Floor Plan



Figure 7. Fourth Floor Plan



## Figure 8. Fifth Floor Plan



Figure 9. Landscape Concept Roof Level Plan





#### Figure 10. Illustrative Rendering – View from Broadway and Brook Street

Sidewalk/streetscape improvements would be installed as part of the proposed project, consistent with the BVDSP Public Realm Design Guidelines for Streetscape Design. Improvements would include repaving the sidewalk along the project site, and installing pedestrian accent paving and street lights. In addition, the project would plant two street trees per City standards on the Brook Street frontage.

The proposed project does not include an emergency generator.

#### **Project Construction**

Demolition of the existing structure and construction of the proposed project is expected to occur within a total of approximately four weeks followed by mobilization of the construction support facilities (e.g., temporary power, contractor's trailer, sidewalk barricade, etc.). Excavation and foundation work would follow for approximately two months, and then above-grade construction would occur lasting approximately 12 months; the entire construction period is expected to last 14 – 15 months.

The number of workers on-site daily is anticipated to vary depending on the construction phase, with approximately 10 workers during demolition, 20 workers during excavation and foundation work, and 40 workers during above-grade construction. Staging would occur within the project site and extend into on-street parking spots, subject to City of Oakland approval.

The depth of the excavation would be between 2 and 3 feet, according to the geotechnical engineer. The depth of the excavation would be between 2 and 3 feet according to the geotechnical engineer. The civil engineering drawing (C1.0) indicates earthwork quantities of 2,538 cubic yards (cy) of soil would be cut, 20 cy would be used as fill, resulting in a net of 2,509 cy of soil would be excavated and off-hauled from the site. Groundwater depths at between 18 to 20 feet are assumed in the preliminary geotechnical report from Kleinfelder<sup>7</sup> based on the various subsurface explorations that have been conducted, and therefore dewatering during construction is not expected to be required, assuming that that depth of the elevator pit doesn't exceed 15 feet. A shallow foundation consisting of spread and strip footings, and a concrete slab on grade is the likely foundation system; no pile driving is proposed.<sup>8</sup>

The foundation system used at the corner of the site near Glen Echo Creek would need to be treated differently due to the expectation that soils in that area are more soft, loose and wet than the soils underlying the majority of the project site. Accordingly, the building structure in that part of the site will likely need to be supported on a deep foundation system, using either drilled piers or auger cast piles, extending to depths of at least 35 feet to bear in the relatively hard/dense soil materials encountered at those depths.

#### **Project Approvals**

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

#### Actions by the City of Oakland

- Planning Director Regular Design Review and CEQA determination; award of density bonus and concession for additional height
- Public Works Creeks Division Approval of a Category 3 Creek Protection Permit
- Building Bureau Grading permit and other related onsite and offsite work permits and encroachment permits.

#### Actions by Other Agencies

- East Bay Municipal Utility District (EBMUD) Approval of new service requests and new water meter installations.
- Regional Water Quality Control Board (RWQCB) Acceptance of a Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit, and Notice of Termination after construction is complete.
- Alameda County Environmental Health Department (ACEH) Oversight and approval of any proposed remedial actions to manage residual contaminants in soil and groundwater on the project site during earthwork redevelopment activities.
- <sup>7</sup> Kleinfelder, Technical Memorandum: Geotechnical Investigation Phase 1 Findings, Conclusions and Recommendations, Planned Mixed Use Development Project Located at 3300 Broadway, Oakland, California, May 22, 2017, p. 3.

<sup>&</sup>lt;sup>8</sup> Kleinfelder, Geotechnical Investigation Report - Planned Mixed Use Development Project Located At 3300 Broadway, Oakland, CA, July 13, 2**017, p. 2.** 

#### **BVDSP AND EIR**

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

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

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

The BVDSP updates the goals and policies of the general plan and provides more detailed guidance for specific areas within the Broadway Valdez District;

The BVDSP builds upon two retail enhancement studies, the Citywide Retail Enhancement Strategy and the companion Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy, which identified the City's need to reestablish major destination retail in Oakland as being critical to stemming the retail leakage and associated loss of tax revenue that the City suffers from annually. These

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

The BVDSP provides a policy and regulatory framework to achieve one of the primary objectives: to transform the Plan Area into an attractive regional destination for retailers, shoppers, employers and visitors that serves, in part, the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;

The BVDSP could create employment opportunities (both short-term construction jobs as well as permanent jobs), increase revenues (sales, property, and other taxes), and promote spin-off activities (as Plan Area workers spend some of their income on goods in the Plan Area);

The BVDSP Development Program promotes increased housing densities in proximity to employmentgenerating land uses that support City and regional objectives for achieving a jobs/housing balance and transit-oriented development;

The BVDSP design guidelines will ensure that future development contributes to the creation of an attractive pedestrian-oriented district characterized by high-quality design and a distinctive sense of place; and

The BVDSP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking, and utility infrastructure as well as regulatory tools, policies, and potential funding mechanisms to realize those improvements.

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

#### SUMMARY OF FINDINGS

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

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

The proposed project would not result in significant impacts that (1) would be peculiar to the project or project site; (2) were not previously identified as significant project-level, cumulative, or off-site effects in the BVDSP EIR; or (3) were previously identified as significant but—as a result of substantial new information that was not known at the time the BVDSP EIR was certified—would increase in severity above the level described in the EIR. Therefore, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

The proposed project would not cause any new significant impacts on the environment that were not already analyzed in the BVDSP EIR or result in more significant impacts than those that were previously analyzed in the BVDSP EIR. The effects of the proposed project have been addressed in the BVDSP EIR, and no further environmental documents are required, in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.

The analyses conducted and the conclusions reached in the BVDSP EIR that was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014, remain valid, and no supplemental environmental review is required for the proposed project modifications. The proposed project would not cause new significant impacts that were not previously identified in the EIR or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to the circumstances surrounding the original project that would cause significant environmental impacts to which the proposed project would contribute considerably, and no new information has been put forward that shows that the proposed project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15164.

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

Darin Ranelletti Environmental Review Officer Date

#### **CEQA CHECKLIST**

#### Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the BVDSP, as evaluated in the BVDSP EIR. Potential environmental impacts of development under the BVDSP were analyzed and covered by the BVDSP EIR, and the EIR identified mitigation measures and SCAs<sup>9</sup> to address these potential environmental impacts.

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

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

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

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

- Peculiar to project or project site (per CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous EIR (BVDSP EIR) (per CEQA Guidelines Sections 15183 or 15183.3), including offsite and cumulative impacts (per CEQA Guidelines Section 15183);

<sup>&</sup>lt;sup>9</sup> These are Development Standards that are incorporated into projects as SCAs, regardless of a project's environmental determination, pursuant, in part, to CEQA Guidelines Section 15183. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the SCAs are to be applied, based on the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCA applies to each project.

- Due to substantial changes in the project (per CEQA Guidelines Section 15162);
- Due to substantial changes in circumstances under which the project will be undertaken (per CEQA Guidelines Section 15162); or
- Due to substantial new information not known at the time the BVDSP EIR was certified (per CEQA Guidelines Sections 15162, 15183, or 15183.3).

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

A list of the mitigation measures and SCAs is included in Attachment A, and is incorporated by reference into the CEQA Checklist analysis. Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area, numbered sequentially for each topic area, and are assigned an SCA title based on the City's master SCA list — i.e., SCA AIR-1: *Construction-Related Air Pollution (Dust and Equipment Emissions).* 

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

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

#### Attachments

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

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

## 1. Aesthetics, Shadow, and Wind

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;			
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 through 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;	$\boxtimes$		
Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance;			
Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or			

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Create winds that exceed 36 mph for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.			

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

The BVDSP EIR determined that potential impacts to scenic vistas and resources, visual character, and lighting and glare from development under the BVDSP would be less than significant with implementation of SCAs, and that no mitigation measures were necessary. The Physical Height Model analyzed in the BVDSP EIR<sup>10</sup> represents the conceptual massing for projects to be developed under the BVDSP, and served as the basis for massing, view corridor, shadow, and wind analysis performed in the EIR. The EIR found that new structures would partially obstruct views of the sky, but that such changes would not represent a substantial adverse effect on views, because no views considered scenic or unique (as defined by CEQA) and no visual access to protected scenic resources (as defined by the General Plan) would be obstructed. Changes anticipated under the BVDSP would generally create a more pedestrian-oriented aesthetic in the Plan Area, and the Design Guidelines would ensure that development under the BVDSP would be compatible with the distinctive visual character of individual areas. Development in the Plan Area will be required to comply with SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans.

<sup>&</sup>lt;sup>10</sup> The Broadway Valdez Development Program represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years, and is therefore the level of development envisioned by the Specific Plan and analyzed in the BVDSP EIR. The Broadway Valdez Development Program, together with the Specific Plan height limits, maximum base heights, and step-back requirements inform the Physical Height Model, which provides the basis for analysis in the BVDSP EIR.

#### Shadow (Criteria 1b through 1d)

The BVDSP EIR determined that development under the Plan would result in less-than-significant impacts from shading, with the exception of potential shading on Temple Sinai, which is considered a historical resource. Temple Sinai is at 356 28<sup>th</sup> Street near the intersection with Webster Street. Under the BVDSP EIR, Mitigation Measure AES-4: Shadow Analysis, applies to the area bounded by Webster Street, 29<sup>th</sup> Street, Broadway, and 28<sup>th</sup> Street to reduce shadow impacts. Even with implementation of Mitigation Measure AES-4, the EIR conservatively determined that impacts may remain significant and unavoidable. Development outside this area under the BVDSP, such as at the project site, was determined to result in less-than-significant shadow impacts. Mitigation Measures AES-4 and AES-5 are not applicable to the project because the project's location outside of the impacted area.

#### Wind (Criterion 1e)

The BVDSP EIR determined that development under the BVDSP that has a height of 100 feet or greater, and is in the portion of the Plan Area designated as Central Business District (which extends north from downtown to 27<sup>th</sup> Street), could result in adverse wind conditions. Under the BVDSP EIR, Mitigation Measure AES-5: Wind Analysis, applies to those projects in the Central Business District portion of the Plan Area that are over 100 feet in height. Even with implementation of Mitigation Measure AES-5, impacts would conservatively remain significant and unavoidable. To address potential cumulative impacts, under the BVDSP EIR, Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5, applies to those same projects and addresses significant cumulative wind and aesthetics impacts. Even with implementation of Mitigation Measure AES-6, the EIR conservatively determined that cumulative impacts may remain significant and unavoidable for some projects. The project site is not in the Central Business District portion of the Plan Area and therefore Mitigation Measures AES-4, AES-5 and AES-6 do not apply to the project.

#### **Project Analysis and Conclusion**

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

Pursuant to the Design Guidelines, development within the Plan Area should contribute to the creation of a coherent, well-defined and active public realm that supports pedestrian activity and social interaction, and to the creation of a well-organized and functional private realm that supports the needs of tenant businesses. The proposed project meets this guideline by repaving sidewalks along the project site and adding street trees. The proposed project requires design review approval, pursuant to Section 17.101C.020 of the City's Planning Code. As part of the

design review process, the project will be reviewed by the City to ensure consistency with the applicable BVDSP Design Guidelines. The proposed project would be contemporary in design, as indicated in Figure 10. The primary façade materials would include cement plaster, corrugated metal siding and trim, brick veneer and painted metal railings. The design review process will ensure the project would be consistent with the BVDSP standards and guidelines related to aesthetics, compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas.

**Shadow.** The project site is outside of the area identified in the BVDSP EIR as having potential shading impacts on Temple Sinai and therefore, BVDSP EIR Mitigation Measure AES-4 would not apply. In addition, BVDSP EIR Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5, would not apply. The Physical Height Model anticipated height of 45 feet on the site. The proposed project would exceed the 45-foot height limit and reach a height of 55 feet at the roof line, such additional height to be allowed through the application of a concession in return for the project's affordable housing commitment. Even with the additional 10 feet in height, the site would not cast shadows beyond what was described in the BVDSP EIR.

The shadow study conducted for the BVDSP EIR shows that there are no solar collectors or historic resources in the immediate vicinity of the project site. The nearest solar collectors identified in the BVDSP EIR are approximately 250 feet northeast of the project site (at 32 Randwick Avenue) and 300 feet south of the project site (at 3032 Brook Street); the nearest historic resources is Temple Sinai, approximately 2,100 feet southwest of the project site. Because of the intervening buildings and distance from these resources, the proposed project would not contribute to impacts on these resources. The proposed project would be consistent with the BVDSP EIR.

**Wind.** Because the proposed project is located in the Community Commercial District and is less than 85 feet in height, BVDSP EIR Mitigation Measure AES-5: Wind Analysis would not apply to the project. In addition, BVDSP EIR Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5, would not apply. Therefore, the project would be consistent with the BVDSP EIR and no wind impacts would occur.

#### Conclusion

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

#### 2. Air Quality

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

#### **Construction and Operational Emissions (Criterion 2a)**

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

The BVDSP EIR also determined operational activities associated with development in the Plan Area would result in an increase in criteria air pollutant and precursor emissions from mobile onroad sources and onsite area sources, such as natural gas combustion for space and water heating and landscape maintenance, which would have a significant impact. Operational emissions of ROG, oxides of nitrogen (NO<sub>x</sub>), and particulate matter less than or equal to 10 microns in diameter (PM<sub>10</sub>) would exceed significance thresholds. An SCA that requires the implementation of Parking and Transportation Demand Management (TDM) would reduce vehicular trips and operational emissions. Recommended Measure AIR-2 includes additional measures that should be considered for larger projects that would also reduce emissions of criteria air pollutants. Even with implementation of the SCA and Recommended Measure AIR-2, the EIR concluded this impact would conservatively remain significant and unavoidable for emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub>.

#### **Toxic Air Contaminants (Criterion 2b)**

The BVDSP EIR determined that development under the BVDSP could generate substantial levels of Toxic Air Contaminants (TACs), resulting in significant impacts from construction activities and project operations. Implementation of the City's SCA for construction-related air pollution controls would reduce health risks to sensitive receptors from temporary construction emissions of diesel particulate matter in accordance with recommendations from the BAAQMD's *CEQA Air Quality Guidelines*.<sup>11</sup> As described under SCA AIR-1: *Construction-Related Air Pollution Controls* (*Dust and Equipment Emissions*), basic controls for construction emissions (subsections a-j) would be implemented for all projects, and enhanced controls (subsections k-y) would be implemented for projects that involve 114 or more single-family dwelling units, 240 or more multi-family units, nonresidential uses that exceed the applicable screening size listed in the BAAQMD's CEQA Guidelines, a demolition permit, simultaneous occurrence of more than two construction phases, extensive site preparation, or extensive soil transport. Even with implementation of SCA AIR-1: *Construction-Related Air Pollution Controls* (*Dust and Equipment Emissions*), the BVDSP EIR conservatively determined that impacts from TAC emissions during construction would remain significant and unavoidable.

<sup>&</sup>lt;sup>11</sup> BAAQMD, 2017. CEQA Air Quality Guidelines. Updated May.

New operational sources, such as backup diesel generators, could result in significant impacts on new and existing receptors. SCAs would reduce potential air quality impacts related to TACs by requiring a Health Risk Assessment of surrounding offsite sources on new onsite sensitive receptors. The EIR also identified Mitigation Measure AIR-4: Risk Reduction Plan, which would reduce the impacts associated with new operational sources on existing sensitive receptors. Even with SCA AIR-1 and Mitigation Measure AIR-4, the EIR conservatively determined that this impact would remain significant and unavoidable.

#### **Project Analysis and Conclusion**

The proposed project would result in an approximately 65,000 gross-square-foot building, with 45 residential units and approximately 2,824 square feet of retail. The BVDSP EIR allows for the distribution of density and development type between categories and sub-areas, and accounted for the construction and operational emissions from the development proposed on the project site within its analysis. The proposed project would be required to comply with applicable SCAs related to parking demand, and construction and operations source emissions. Recommended Measure AIR-1 (to reduce project construction emissions) from the BVDSP EIR would also apply as a condition of approval, as described below.

Construction emissions associated with the proposed project would not result in a more severe impact than what was previously disclosed in the BVDSP EIR. The BVDSP EIR does not indicate that an additional project-level analysis of construction-related health risks is necessary. There is no evidence that the proposed project would have peculiar or unusual impacts or impacts that are new or more significant than previously analyzed in the BVDSP EIR. Moreover, the project site's proximity to sensitive receptors is typical of other project sites in the BVDSP area and other urban areas. Sensitive receptors near the proposed project include residential dwellings to the east and southeast, as well as the Alta Bates Medical Center to the west. The nearest sensitive receptors are approximately 90 feet from the rear of the project site, on Randwick Avenue. Alta Bates Medical Center is 675 feet west of and upwind from the project site at its nearest boundary, and is separated from the project site by retail and medical office land uses and Broadway itself. As described in the BVDSP EIR, concentrations of mobile-source DPM emissions are typically reduced by 70 percent at a distance of approximately 500 feet. Furthermore, medical uses are common throughout the northwest portion of the Plan Area; therefore, there would be nothing unique or peculiar about the project's proximity to sensitive receptors. Consequently, the analysis and conclusions of the BVDSP EIR are still valid for this project.

Furthermore, a project-level analysis of construction-related health risks would ultimately reach the same conclusion and identify the same control measures established in the BVDSP EIR. The proposed project's construction health risk has been adequately addressed by the planning-level review and the project's conditions of approval. Because the proposed project would include a demolition permit, soil export (2,509 cy), and the potential simultaneous occurrence of construction phases (e.g., site preparation and building construction), the project would be

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required to implement both the basic (subsections a-j) and enhanced (subsections k-y) controls for emissions of dust and equipment exhaust under SCA AIR-1: *Construction-Related Air Pollution Controls (Dust and Equipment Emissions)*.

Implementation of the basic and enhanced controls under SCA AIR-1 would reduce emissions of both criteria air pollutants and TACs during construction. Implementation of subsections (w) and (x) of SCA AIR-1, which require equipment and diesel trucks to be equipped with Best Available Control Technology and meet the California Air Resources Board's most recent certification standard, would reduce emissions of diesel particulate matter during construction. In order to comply with subsections (w) and (x) of SCA AIR-1, the project sponsor would be required to ensure that construction equipment meet Tier 4 emissions standards, which can reduce emissions of diesel particulate matter by at least 85 percent relative to equipment without emission control technologies installed.<sup>12</sup> SCA AIR-1 further reduces diesel emissions by minimizing idling under subsections (g) and (h); ensuring that construction equipment is running in proper condition under subsection (i); specifying that portable equipment would be powered by electricity if available under subjection (j); requiring that equipment meet emissions and performance requirements under subsection (u); requiring the use of low volatile organic compound coatings under subjection (v). SCA AIR-1 also minimizes construction health risks by requiring the following: exposed surfaces be watered; trucks hauling sand, soil, and other loose materials be covered; visible dirt track-out be removed daily; new roads, driveways, sidewalks be paved within one month of grading or as soon as possible, stockpiles be enclosed, covered, and watered twice daily; vehicle speeds on unpaved roads be limited; and idling time be limited. Beyond SCA AIR-1, there are no additional feasible control measures available to further reduce construction-related diesel particulate matter emissions.

The proposed project would introduce new sensitive receptors (residents) to the project site, and is within 1,000 feet of a major roadway with significant traffic (at least 10,000 vehicles per day) and other sources of TACs (e.g., backup generators). SCA AIR-2: *Exposure to Air Pollution (Toxic Air Contaminants)* would be applicable to the project; it requires the project applicant to prepare a screening-level analysis prior to the issuance of building permits to determine the level of impacts from nearby sources of TACs on the proposed project's future residential sensitive receptors. The results of the analysis will determine whether the project would be exposed to potential health effects above the City's cumulative health risk thresholds (cancer risk of 100 in a million, chronic hazard index [HI] of 10, and fine particulate matter [PM2.5] concentration of 0.8 micrograms per cubic meter) and if so, the project would be required to install and maintain air filtration systems in all residential units capable of reducing the potential impact to less than significant levels. In

<sup>&</sup>lt;sup>12</sup> California Air Resources Board, 2015. *Frequently Asked Questions; Regulation for In-Use Off-Road Diesel-Fueled Fleets*. Revised December.

addition, since the project would not introduce any on-site stationary sources of TAC emissions, preparation of a Health Risk Assessment or adoption of further risk reduction strategies to reduce the exposure of existing sensitive receptors to new TAC emissions under SCA: *Stationary Sources of Air Pollution (Toxic Air Contaminants)* and Mitigation Measure AIR-4 is not required.

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

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

In addition, Recommended Measure AIR-1 from the BVDSP EIR would apply to the proposed project.

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

## 3. Biological Resources

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means; Substantially interfere with the movement of any native resident or migratory fish or			
wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;			
Fundamentally conflict with the City of Oakland Tree Protection Ordinance by removal of protected trees under certain circumstances; or			
Fundamentally conflict with the City of Oakland Creek Protection Ordinance intended to protect biological resources.			
# Special-Status Species, Wildlife Corridors, Riparian and Sensitive Habitat, Wetlands, Tree and Creek Protection (Criteria 3a and 3b)

As described in the BVDSP EIR, the Plan Area is in and surrounded by a fully developed urban environment, and impacts of development on biological resources under the BVDSP would be less than significant. Few special-status animals are present in the Plan Area, and no aquatic habitats that could support migratory fish or birds are present. In addition, very little natural vegetation exists; and because this vegetation is not connected to other nearby natural habitats, it would not constitute a wildlife corridor. There are no natural sensitive communities in the Plan Area. The nearest riparian habitat is at Glen Echo Creek which surfaces from a culvert within 20 feet of the northeast corner of the project site, as shown in Figure 4. Potential increases in transmittal of hazardous materials from construction activities via runoff from the impermeable surfaces of the site could result in adverse impacts to Glen Echo Creek. The EIR identified landscape trees in the Plan Area as potential nursery sites for nesting birds. In addition, projects developed under the BVDSP could cause harm to birds by increasing bird collisions with buildings.

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

#### **Project Analysis and Conclusion**

The approximately 16,960 square foot project site is located in an urban setting on a site that is fully developed with a commercial building that covers the entire project site. A vacant lot on Brook Street, with mature trees towards the rear, abuts the side property line of the project site, and the rear yards of residential parcels on Randwick Avenue share common rear lot lines with the project site. These adjacent parcels contain trees, lawn grass and related plants and shrubs. None of the trees described above on adjacent properties would be removed or affected by the project

and there are no street trees on the street frontages of the project site. Two new street trees would be planted on the Brook Street frontage as part of the project.

As noted previously, the project site is located in close proximity to Glen Echo Creek which runs north to south along the eastern boundary of the Plan Area between 28th and 30th Streets, as well as beneath the Plan Area. North of the intersection of Richmond Boulevard (and Randwick Avenue), the creek is the central feature of Oak Glen Park, which includes a significant stand of native oaks, located approximately 300 feet east of the project site on the east side of Randwick Avenue.

As shown in Figure 4, the rear property line of the project site is approximately 20 feet distant from the top of the Broadway branch of Glen Echo Creek. The project would be required to comply with the City of Oakland's Creek Protection Ordinance (Oakland Municipal Code, Title 13, Chapter 13.16.120) and SCA Hyd-3 *Creek Protection Plan*, which require preparation of a Creek Protection Plan and obtaining a Category 3 Creek Protection Permit for construction that would take place within close proximity to a creek, as defined in the Ordinance.

A Creek Protection Plan has been prepared for the project by ESA and is submitted for review for compliance with the SCA (included here as Attachment E)The submitted Creek Protection Plan sets forth a series of measures to be undertaken during construction designed to prevent adverse impacts to the creek.<sup>13</sup>

#### General

- No new construction or grading will take place within 20 feet of top of bank except for demolition and removal of the existing building and its foundation.
- No grading is anticipated below top of creek bank except to remove the foundation of the existing building. If vegetation and soil within the creek top of bank zone is disturbed during this process, soil will be replaced as soon as possible, one hundred percent biodegradable erosion control fabric will be placed over it and native riparian plants will be planted.
- No native riparian trees will be removed from the riparian corridor.
- If any changes are required to the above measures, prior approval will be sought from the City of Oakland.
- Implementation of the creek protection measures will be monitored regularly.

<sup>&</sup>lt;sup>13</sup> ESA (Environmental Science Associates) 3300 Broadway Creek Protection Plan, July 31, 2017

#### Education on creek protection provided to workers on the site

• Workers will be educated about the presence of the creek and the location of the 20 foot top of bank zone, the need to protect the creek environment, and the specific measures to protect the creek.

#### Litter/debris prevention measures

- The existing chain link fence between the staging area and the creek will be maintained to prevent litter from blowing into the creek, and to prevent workers from entering the creek channel.
- During demolition of the existing workshop, no litter or loose debris will be stored within the 20 foot creek top buffer.
- No loose construction materials will be stored within 20 foot of the creek top of bank in either the staging area or the development site.
- Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use taps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

#### **Construction site fencing**

- The existing chain link fencing separating the staging area from the creek will be left in place.
- A temporary silt fence will be constructed at top of bank where no fence currently exists, to prevent creek access, to visually identify the creek zone and to prevent sediment entering the creek from the construction site.

#### Future and ongoing sediment and erosion control measures

- No loose construction materials will be stored within the 20 foot top-of-creek zone.
- Straw sediment control wattles or hay bales will be placed around the top of bank perimeter within the project site and the staging area to trap sediment and prevent erosion into the creek.
- Straw sediment control wattles and a silt fence will be placed around the headwall by the culvert to trap sediment and prevent erosion into the creek during demolition of the existing building.
- One hundred percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual native species.

- Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the planting of the area with native vegetation as soon as possible.
- All work in the creek channel (between the creek and top of bank) must be performed with hand tools and by a minimal number of people. Immediately on completion of this work, soil must be repacked and native vegetation planted.
- Ensure that concrete/granite supply trucks or concrete/plaster finishing operations to not discharge wash water into the creek, street gutters or storm drains
- Remove all dirt, gravel, refuse and green waste from the sidewalk, street pavement and storm drain adjoining the project site.
- Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday the entire site must be cleaned and secured against potential erosion, dumping or discharge to the creek, street, gutter or storm drains.
- All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the erosion and sediment control field manual published by the Regional Water Quality Control Board.

#### Dust control

• During grading operations the site shall be watered on a daily basis to minimize the release of dust and other particulate matter.

# Methods of cleaning tools and equipment

• Direct and locate tool and equipment cleaning so that wash does not discharge into the creek.

#### Wet weather protection

- The rainy season is considered to be October 15th to April 15th. Erosion and sediment control facilities are to be operable prior to October 1st of any year.
- Grading operations during the rainy season which leave denuded slopes shall be protected by erosion control measures immediately following grading of the slopes.
- All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- In wet weather, avoid driving vehicles off paved areas and other outdoor work.
- During the rainy season, all paved areas shall be kept clear of earth materials and debris. The site shall be maintained so as to minimize sediment laden runoff to any storm drainage system, including water courses.

# **Emergency preparations for construction-related spills**

• Create a contained and covered area on the site outside the creek zone or the 20 foot top of bank zone fir storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used by the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

The SCA pertaining to reducing bird collisions with buildings would not apply because the project would not include a substantial vegetated or green roof or an existing or proposed vegetated area one acre or larger, and would not be adjacent to a substantial water body or a substantially vegetated recreation area larger than one acre.

The project would install new street trees on the Brook Street frontage. Stormwater would be treated consistent with C.3 requirements for on-site treatment, as described in Section 8, Hydrology and Water Quality.

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

#### 4. Cultural Resources

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

# Historical Resources (Criterion 4a)

The BVDSP EIR found that development under the BVDSP could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources, which would be considered a significant impact. The Plan Area contains 20 individual properties, including two in an Area of

Primary Importance<sup>14</sup> that are considered historical resources for CEQA purposes. There are also many older buildings that possess architectural merit, either in Areas of Secondary Importance (ASIs)<sup>15</sup> or standing alone, that contribute to the variety and texture of the Plan Area.

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

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

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

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

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

No known archaeological resources have been recorded in the Plan Area; however, the EIR revealed that the Plan Area is potentially sensitive for archaeological and buried sites that are not visible due to urban development. The EIR determined that implementation of an SCA, which

<sup>&</sup>lt;sup>14</sup> Area of Primary Importance is an area or district that appears eligible for the National Register of Historic Places, and is considered a historical resource under CEQA.

<sup>&</sup>lt;sup>15</sup> Area of Secondary Importance is an area or district that is of local interest, but is not eligible for the National Register of Historic Places and is not considered a historical resource under CEQA.

would ensure resources are recovered and appropriate procedures are followed in the event of accidental discovery, would minimize potential risk of impact to archaeological resources to a less-than-significant level.

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

#### Human Remains (Criterion 4d)

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

#### **Project Analysis and Conclusion**

**Historic Architectural Resources.** The existing building on the project site is not considered an historic resource for the purposes of CEQA (see BVDSP EIR Figure 4.4-2 for historic resources in the Plan Area) and is not considered A Potentially Designated Historic Property as defined by Oakland Municipal Code 17.136.075. The existing building was evaluated in the 2009 BVDSP Historic Resources Inventory, which documented that the building had an OCHS rating of Eb-2 which reflects a determination that the building is "...of no particular interest."

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

**Archaeological and Paleontological Resources and Human Remains.** The proposed project would entail excavation to a depth of less than 5 feet below grade along Broadway. The project site appears to be underlain by variable amounts of aggregate base rock and compacted fill, underlain by moderately stiff to hard sandy clays and moderately dense to dense clayey sands. A zone of very stiff to hard clays and dense to very dense sands occurs at about 27 to 35 feet deep; this zone is underlain by interbedded moderately stiff to hard clays and moderately dense to dense clayey sands to the full depths explored (68.4 feet).<sup>16</sup> As shown in Figure 4.4-1 of the BVDSP EIR, the

<sup>&</sup>lt;sup>16</sup> Kleinfelder, Op. Cit., p. 3

geology at the project site is primarily Late Pleistocene to Holocene alluvial fan deposits. The SCAs related to archaeological and paleontological resources and human remains would apply to the proposed project and, as outlined in the outlined in the BVDSP EIR, would reduce any potential impacts to a less-than-significant level.

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

### 5. Geology, Soils, and Geohazards

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Expose people or structures to substantial risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Strong seismic ground shaking; Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or Landslides;			
Be located on expansive soil, as defined in Section1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.			

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

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

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

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

#### **Project Analysis and Conclusion**

The proposed project would require excavation of up to 2,509 cubic yards of soil to accommodate the proposed project. Projects within the City that propose to excavate more than 500 cubic yards of soil are required to obtain a grading permit. The grading permit would require the proposed project to comply with local and state construction requirements, including the California Building Code, in the design and building of the proposed project.

The site is not within a liquefaction hazard zone or earthquake-induced landslides hazard zone, as designated on a map prepared by the California Geological Survey.<sup>17</sup> Further, the geotechnical report stated that the stiff clays, silts and medium dense granular sandy soil deposits beneath the project site are not likely to liquefy during a design seismic event. The geologic study included a screening investigation of lateral spreading with particular concern for potential liquefaction involving the soils in southeast corner of the site near the creek. The assessment concluded that the likelihood of liquefaction is insignificant in the upper 30 feet in the southeast area and on that basis determined that lateral spreading potential is low.<sup>18</sup>

The new structure would be built upon an appropriate building foundation design, likely to involve shallow footings except at the southeast corner of the site near the edge of Glen Echo Creek where the soils are presumed to be more soft, loose and wet than the soils underlying the majority of the project site. Accordingly, that part of the building structure will likely need to be supported on a deep foundation system consisting of either drilled piers or augercast piles, each of which system would involve deep foundations extending to depths of at least 35 feet to bear in the relatively hard/dense soil materials at that depth.

The proposed project would be required to comply with the requirements of California Building Code, Seismic Hazards Mapping Act, and the City's SCAs which ensure the implementation of the

<sup>&</sup>lt;sup>17</sup> California Geologic Survey, 2003. State of California Seismic Hazard Zones, Oakland West Quadrangle Official Map. Released February 14.

<sup>&</sup>lt;sup>18</sup> Kleinfelder, July 17, 2017, Op. Cit., p. 8.

recommendations from an approved soil report to prevent exposure of people or structures to substantial risk of loss, injury, or death during a large regional earthquake.

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

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically: For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO <sub>2</sub> e annually AND more than 4.6 metric tons of CO <sub>2</sub> e 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.			
Fundamentally conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.			

# 6. Greenhouse Gas and Climate Change

# Greenhouse Gas Emissions (Criterion 6a)

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

#### Consistency with Applicable GHG Plans (Criterion 6b)

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

#### **Project Analysis and Conclusion**

The proposed project would generate GHG emissions that were previously analyzed under the BVDSP. While mitigation measures were not included in the BVDSP EIR, the proposed project would be required to comply with applicable SCAs that would reduce GHG emissions. These include but are not limited to preparation and implementation of a Transportation and Parking Demand Management Plan under SCA TRANS-4 and a Construction and Demolition Waste Reduction and Recycling Plan under SCA UTIL-1. The project would not be subject to a GHG reduction plan under the applicable SCA, as described below.

The City requires a GHG reduction plan for projects of a certain minimum size that produce total GHG emissions exceeding the City's established thresholds of significance, and that would potentially result in a significant impact. A GHG screening analysis was not prepared for the proposed project because the project's small number of dwelling units and retail square footage are well below the level at which GHG operational emissions would be considered potentially significant<sup>19</sup> which for a mid-rise apartment project is 87 dwelling units, nearly twice the size of the proposed 45-unit project. On this basis, GHG emissions from the proposed project would not exceed the City's established thresholds of significance and therefore the project is not required to prepare a GHG reduction plan under the SCA is considered consistent with the City of Oakland's Energy and Climate Action Plan, as well as the BVDSP.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to GHG and climate change that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to GHGs, and none are required for the proposed project.

<sup>&</sup>lt;sup>19</sup> See Table 3-1, Bay Area Air Quality Management District CEQA Guidelines, May 2017.

# 7. Hazards and Hazardous Materials

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

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

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

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

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

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

There are no schools in the Plan Area; however, there are five schools or daycare facilities within 0.25 mile of the Plan Area. Development under the BVDSP would be required to comply with the City of Oakland's Ordinances and General Plan Policies, which require hazardous material handlers within 1,000 feet of a school or other sensitive receptor to prepare a Hazardous Materials Assessment Report and Remediation Plan. Additionally, those handling or storing hazardous materials would be required to prepare a Hazardous Materials Management Plan and Hazardous

Materials Business Plan, as required by Alameda County and a City of Oakland SCA; preparation of these plans would reduce impacts to less-than-significant levels.

#### **Emergency Access Routes (Criteria 7c)**

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

#### **Project Analysis and Conclusion**

As described above, project developments under the BVDSP, including the proposed project would be required to follow the applicable laws and regulations related to transportation, use, and storage of all hazardous materials and to safeguard workers and the general public. Technical information available to support the assessment of environmental impacts in this CEQA analysis includes a Phase II Environmental Site Assessment (ESA).<sup>20</sup> Note that a Phase I ESA was prepared prior to the Phase II ESA but has not been made available as of the preparation of this CEQA Analysis. Consequently, it is not known whether an assessment has been prepared to determine the presence of lead based paint or asbestos containing materials in the existing building. However, as noted below, measures for dealing with both of these potentially hazardous materials are provided in the applicable SCAs described below.

The Phase II ESA identified areas in the existing building suspected of having been where contaminants might have been deposited into the underlying soil beneath the building. The Phase II ESA explored the shallow soils below the building at the suspected locations and concluded that there are no significant concerns of contamination due to suspected volatile organic compounds (VOCs) or petroleum hydrocarbons in the underlying soils. In any case, the project would be required to comply with SCA HAZ-1: *Hazardous Materials Related to Construction*, SCA HAZ-2: *Site Contamination* and SCA AIR-3: *Asbestos in Structures* pertaining to best management practices for hazardous materials and the removal of asbestos from structures, respectively.

Compliance with SCA HAZ-2 including preparation of the Health and Safety Plan, would protect project construction workers from risks associated with exposure to hazardous materials if encountered. The Health and Safety Plan would include, but is not limited to, measures related to

<sup>&</sup>lt;sup>20</sup> AEI Consultants, *Phase II Subsurface Investigation 3070 & 3074 Brook Street Oakland, California 94611* December 9, 2005.

personal protective equipment, exposure monitoring, emergency response plan, and a training program.

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

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

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

# 8. Hydrology and Water Quality

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Violate any water quality standards or waste discharge requirements; Result in substantial erosion or siltation on or off site that would affect the quality of receiving			
Create or contribute substantial runoff which would be an additional source of polluted runoff; Otherwise substantially degrade water quality;			
Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.			
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);			
Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems;			
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on or off site.			

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Result in substantial flooding on or off site; Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows;			
Place within a 100-year flood hazard area structures which would impede or redirect flood flows; or Expose people or structures to a substantial risk of loss, injury, or death involving flooding.			

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

The BVDSP EIR determined that development in the Plan Area would result in construction activities that would require ground disturbance, resulting in impacts to hydrology and water quality. The BVDSP EIR identified several SCAs that would reduce impacts to a less-than-significant level by minimizing runoff and erosion, as well as sedimentation and degradation of stormwater and surface water quality during construction activities.

# Use of Groundwater (Criterion 8b)

Potable water is supplied to the Plan Area through imported surface water by East Bay Municipal Utility District (EBMUD), and groundwater is generally not used in the Plan Area. The Plan Area is primarily developed and covered in impervious surfaces, and the amount of water able to infiltrate the aquifer in the East Bay Plain groundwater basin would not substantially change with development under the BVDSP. Additionally, compliance with the C.3 provisions of the National Pollutant Discharge Elimination System Municipal Regional Permit (Order R2-2009-0074, NPDES Permit No. CAS612008) would require that, to the extent feasible, stormwater runoff is managed by harvesting/reuse, infiltration, biotreatment, and/or vault-based high flow rate media filters.

# Flooding and Substantial Risks from Flooding (Criteria 8d)

The BVDSP EIR identified the easternmost part of the Plan Area along Glen Echo Creek as being situated in the 100-year flood zone, with the rest of the Plan Area lying outside of the 100-year

flood zone. SCAs that require regulatory permits prior to construction in a floodway or floodplain, along with preparation of hydrological calculations that ensure that structures will not interfere with the flow of water or increase flooding, would reduce impacts to less-than-significant levels.

#### **Project Analysis and Conclusion**

The proposed project, which would include residential and retail uses above grade, would disturb a total area of 25,679 square feet (0.589 acres), of which the project site itself is 16,960 square feet (0.39 acres), with the balance being in the public street area. The total post-project impervious surface area would be slightly less than the entire site area (16,568 square feet)<sup>21</sup> because of a strip along the northerly edge of the building that would remain open, but nevertheless the post-project impervious surface area would exceed 10,000 square feet and would therefore be required to incorporate National Pollutant Discharge Elimination System (NPDES) C.3 stormwater treatment features. Since the project site is relatively flat and completely covered with impervious surfaces, and would essentially remain so under the proposed project, the proposed project would not substantially alter drainage patterns or increase the flow of runoff from the site.

Given the limited depth of expected excavation (2-3 feet), limited excavation (2,500 cy of soil) and estimated 18 feet depth to groundwater, it is unlikely that construction period dewatering would be required. Should groundwater be encountered during site preparation, groundwater dewatering would be limited in duration and would be subject to permits from the Regional Water Quality Control Board (RWQCB) or East Bay Municipal Utilities District (EBMUD), depending if the discharge is to the storm or sanitary sewer system. Since proper management of dewatering effluent is covered by existing State and local regulations, and implementation of these regulations would protect receiving water quality, the project would be consistent with the BVDSP EIR.

The project site would be outside of the 100-year flood hazard zone,<sup>22</sup> and therefore flooding hazards are not expected to affect the proposed project.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the BVDSP EIR. The BVDSP EIR identified no mitigation measures related to hydrology and water quality, and none would be

<sup>&</sup>lt;sup>21</sup> Calichi Design Group, Civil Engineers, Preliminary Storm Water Control Plan, Sheet C2.0, 8/4/2017.

<sup>&</sup>lt;sup>22</sup> Federal Emergency Management Agency, 2009. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas, Panel 59 of 725, Map Number 06001C0059G, effective August 3.

required for the proposed project. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Attachment A at the end of the CEQA Checklist (SCA HYD-1: *Erosion and Sedimentation Control Plan for Construction* and SCA HYD-2: *NPDES C.3 Stormwater Requirements for Regulated Projects*).

#### 9. Land Use, Plans, and Policies

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

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

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

#### **Project Analysis and Conclusion**

The project's General Plan land use classification is Community Commercial, which is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. The proposed project is consistent with the General Plan land use designation because it will provide a mixed-use, residential building with commercial space along Broadway, a major corridor.

The project site is located in the North End subarea of the Plan Area. The site is zoned D-BV-3 (Mixed Use Boulevard Zone). The regulatory framework of D-BV-3 is intended to create, maintain, and enhance areas with direct frontage and access along Broadway, 27<sup>th</sup> Street, Piedmont Avenue,

and Harrison Street. The D-BV-3 zone allows a relatively wide range of ground-floor office and other commercial activities with upper-story spaces intended to be available for a broad range of residential, office, or other commercial activities. The D-BV-3 zone requires ground floor commercial uses for the first 60 feet of lot depth along Broadway. The proposed project would provide both residential units and commercial space and would be consistent with the zoning. The project site is also within the area where the maximum height permitted is 45 feet. The proposed building would not exceed 45 feet in height. Therefore, the proposed project would be consistent with the land use plans and policies for the site.

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

# 10. Noise

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts. During the hours of 7:00 p.m. to 7:00 a.m. on weekdays and 8:00 p.m. to 9:00 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard; Generate noise in violation of the City of Oakland			
nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction- related noise;			
Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;			
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 (i.e., the cumulative baseline condition without the project);			
Expose persons to interior L <sub>dn</sub> or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may			

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
be extended by local legislative action to include		-	-
single-family dwellings) per California Noise			
Insulation Standards (CCR Part 2, Title 24);			
Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval; Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or			
During either project construction or project operation expose persons to or generate ground- borne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).			

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

Overall, the BVDSP EIR determined that impacts related to construction and operations of development under the BVDSP would be less than significant. Construction-related activities associated with development under the BVDSP would temporarily increase ambient noise levels and vibration. Implementation of SCAs would minimize construction noise impacts by limiting hours of construction activities; require best available noise control technology; require vibration monitoring for activities adjacent to historic structures; and require a project applicant and/or its contractors to notify any local residents of construction activities, and to track and respond to noise complaints.

During operations, mechanical equipment used in projects developed under the BVDSP would generate noise; however, equipment would be standardized and would be required to comply with the City of Oakland Noise Ordinance. Potential impacts would be reduced with implementation of SCAs that would require project design to achieve acceptable interior noise

levels for buildings; limit groundborne vibration at the project site; and require mechanical equipment to comply with applicable noise performance standards.

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

# Traffic Noise (Criterion 10c)

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

#### **Project Analysis and Conclusion**

Construction activities for the proposed project are expected to occur over approximately 15 months, and would consist of phases including demolition, excavation, and above-grade construction. The proposed project is across Broadway from the 3093 Broadway project currently under construction. Construction activities for the proposed project and other nearby projects could occur simultaneously. However, since the proposed project is consistent with planned development considered for this area in the BVDSP EIR, the proposed project would not be anticipated to substantially increase the level of significance of the construction noise impact identified in the BVDSP EIR or result in new significant construction noise impacts. In addition, the proposed project would be required to implement SCA NOI-1: *Construction Days/Hours* to limit the days and hours of construction, SCA NOI-2: *Construction Noise* and SCA NOI-3: *Extreme Construction Noise* to ensure the application of noise reduction measures to reduce noise impacts and extreme construction noise, and SCA NOI-4: *Construction Noise Complaints* to provide measures to respond to and track construction noise complaints (if any).

As indicated in Section 2.4.3 of the BVDSP,<sup>23</sup> the proposed project is located approximately 800 feet north of the 2946-64 Broadway building, which is considered a significant historic resource for purposes of environmental review under CEQA. However, given the distance of this building to the site, vibration from the construction activity is not anticipated to exceed the criteria established by the Federal Transit Administration (FTA)<sup>24</sup> and would not substantially interfere with normal operations, therefore the mitigation measures described under the related SCA would not apply to the project.

During operation of the proposed project, noise from mechanical equipment and increased traffic from additional trips from the residential and retail components including truck deliveries would be generated. The proposed project would not be located along 24th Street or 26th Street east of Broadway, and would not contribute to the significant and unavoidable impact related to traffic noise. Since the proposed project is consistent with the Plan Area development anticipated, the proposed project would not be anticipated to substantially increase the severity of significant traffic noise impacts identified in the BVDSP EIR or result in new significant impacts. In addition, the proposed project would be required to implement SCA NOI-5: *Operational Noise* which would require all operational noise to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. Therefore, with the implementation of SCA NOI-5 the proposed project would not violate the City of Oakland operational noise standards and the noise generated by the mechanical equipment and delivery trucks at the project site would be less than significant and consistent with the finding in the BVDSP EIR.

In addition, the Broadway frontage of the project site has noise levels in the conditionally acceptable range for residential uses, as described in the BVDSP EIR. Therefore, SCA NOI-6: *Exposure to Community Noise* would apply to the project and would require a noise reduction plan prepared by a qualified acoustical engineer 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 proposed project is not located adjacent to any active rail line and, therefore, the SCA pertaining to exposure of new dwelling units to vibration (*Exposure to Vibration*) would not apply to the proposed project.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, and since the proposed project is consistent with Plan Area development anticipated in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of

<sup>&</sup>lt;sup>23</sup> City of Oakland, 2014. Broadway Valdez District Specific Plan. May.

<sup>&</sup>lt;sup>24</sup> FTA, 2006. Transit Noise and Vibration Impact Assessment. (FTA-VA-90-1003-06).

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

### **11.** Population and Housing

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

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

The BVDSP EIR determined that impacts related to population growth and displacement of housing and people would be less than significant. Development under the BVDSP would add up to 1,800 dwelling units and 3,230 residents to the Plan Area. Although adoption and development under the BVDSP could require the demolition of existing housing units, existing regulations such as Housing Element policies, the Ellis Act (Government Code Sections 7060 through 7060.7), and the City of Oakland's Ellis Act Ordinance (Oakland Municipal Code Sections 8.22.400 through 8.22.480) would prevent significant impacts.

#### **Project Analysis and Conclusion**

The proposed project would demolish the existing building at the project site which includes a vacant retail space, an auto detailing business and an auto repair shop. It would construct a new mixed-use building with up to 45 residential units and approximately 2,824 square feet of retail space. No housing units would be demolished and no residents would be displaced.

The proposed project would result in an increase of approximately 84 residents and approximately 5 jobs.<sup>25</sup> While the proposed project, in combination with other proposed projects in the Plan Area, could result in more than 1,800 dwelling units, the BVDSP allows for flexibility with respect to the quantity and type of future development as long as such development conforms to the general traffic generation parameters established by the BVDSP EIR. As such, the proposed project is within the envelope of the Development Program analyzed in the BVDSP EIR.

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

<sup>&</sup>lt;sup>25</sup> The BVDSP EIR assumed approximately 1.87 residents per dwelling unit. Jobs are calculated using a standard generation rate of 500 square feet per employee.

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: Fire protection; Police protection; Schools; or Other public facilities.			
Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.			

# 12. Public Services, Parks, and Recreation Facilities

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

The BVDSP EIR determined that impacts related to fire and police protection, schools, and other public facilities would be less than significant. Although development under the BVDSP would increase density and population in the Plan Area, any corresponding increase in crime and need for police protection would likely be counteracted by the revitalization of the area, as envisioned by the BVDSP. The EIR identified SCAs that would reduce the potential impacts related to the increased need for fire protection by requiring all projects to implement safety features, and to

comply with all applicable codes and regulations. Adherence to the General Plan's Open Space, Conservation and Recreation Element policies 3.1, 3.3, and 3.10 would reduce potential impacts to recreational facilities. In addition, any increases in need for police protection, fire protection, schools, or other public facilities would be mitigated by adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2. No additions or expansions of parks or recreational facilities are proposed under the BVDSP, and no new parks or recreational facilities, or expansion of existing parks or recreational facilities, were determined to be required under the BVDSP.

#### **Project Analysis and Conclusion**

The proposed project would construct 45 residential units and 2,824 square feet of retail space. The Illustrative Development Program in the BVDSP EIR envisioned both retail and residential uses on the project site. The BVDSP did not prescribe or assume exact land uses on a site-by-site basis and instead established a maximum density based on trip generation and traffic capacity. The proposed project is within that capacity; therefore, the increase in residential units in the Plan Area, including the 45 residential units proposed for the project, and the proposed project's increase in demand for public services are consistent with the analysis in the BVDSP EIR.

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

The proposed project would provide approximately 13,892 square feet of open space for the future residents, as described in the Project Description, above. This open space would be consistent with the requirements of the BVDSP and the Planning Code and would meet recreational demands associated with the project.

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

# **13.** Transportation and Circulation

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
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)			
Cause substantial additional vehicle miles traveled (VMT) per capita, per service population, or other appropriate efficiency measure			
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.			

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

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

#### Vehicle Miles Travelled (VMT)

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

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

# Estimating VMT

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

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

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

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

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

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

# Thresholds of Significance

According to the *City of Oakland Transportation Impact Review Guidelines* dated April 14, 2017, the following are thresholds of significance related to substantial additional VMT:

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

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

1. Small Projects: The project generates fewer than 100 vehicle trips per day;
- 2. Low-VMT Areas: The project meets map-based screening criteria by being located in an area that exhibits below threshold VMT, or 15 percent or more below the regional average; or
- 3. Near Transit Stations: The project is located in a Transit Priority Area or within a one-half mile of a Major Transit Corridor or Stop<sup>26</sup> 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)
  - Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Transportation Commission).

## VMT Screening Analysis

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

<u>Criterion Number 1: Small Projects.</u> As shown in Table 4, the project would generate less than 100 net new trips per day and therefore would meet criterion number 1.

<u>Criterion Number 2: Low-VMT Area.</u> The proposed project is located in TAZ 972. As shown in Table 3, 2020 and 2040 VMT per capita for TAZ 972 are more than 15 percent below the regional average. In addition, because the proposed project would provide less than 80,000 square feet of retail space, the retail use is considered to be local-serving and is presumed not to generate substantial additional VMT.

<sup>&</sup>lt;sup>26</sup> 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.

	Bay Area				_	
	2020		2040		TAZ 972	
	Regional Average	Regional Average minus 15%	Regional Average	Regional Average minus 15%	2020	2040
Residential (VMT per Capita) <sup>1</sup>	15.0	12.8	13.8	11.7	6.9	6.8

#### Table 3.Daily Vehicle Miles Traveled Summary

Notes:

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

Source: Fehr & Peers, 2017.

<u>Criterion Number 3: Near Transit Stations.</u> The proposed project would be located about 0.3 miles from the Broadway/MacArthur Boulevard intersection. Route 51A operates along Broadway with 10 minute headways and Route 57 operates along MacArthur Boulevard with 15 minute headways. Therefore, the project is located within 0.5 miles of a major transit stop. However, the proposed project would not satisfy Criterion number 3 because it would only meet two of the following three conditions for this criterion:

The proposed project has an FAR of 3.8, which is greater than 0.75

- The Project would include 38 parking spaces for project residents, which corresponds to 0.84 parking spaces per unit, and no parking for project visitors or retail employees. The City of Oakland Planning Code (Section 17.116.060) requires a minimum of 0.75 spaces per unit for multi-family residential developments in the D-BV-3 zone. The City of Oakland Planning Code (Section 17.116.080) requires no parking for commercial developments smaller than 10,000 square feet. The number of residential parking spaces provided by the proposed project would exceed the minimum parking supply required by the Planning Code. Since the project would provide more parking for use by project residents than required by City Code, the project would not satisfy criterion number 3.
- The proposed project is located within the Downtown Priority Development Area (PDA) as defined by Plan Bay Area, and is therefore consistent with the region's Sustainable Communities Strategy

## VMT Screening Conclusion

The proposed project would satisfy the Small Projects (number 1) and Low-VMT Area (number 2) Criteria and is therefore presumed to have a less–than-significant impact on VMT.

## Consistency with BVDSP EIR

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

## **BVDSP EIR Analysis**

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

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

The thresholds of significance for the BVDSP EIR were based on vehicle level of service (LOS). The EIR identified 28 significant impacts on Level of Service (LOS) at intersections serving the Plan Area. For each impact and associated mitigation measure(s), the EIR identified specific triggers based on the level of development in the entire Plan Area or specific subdistrict(s). Several of these impacts and mitigation measures would be triggered by the proposed project combined

with other planned developments. These impacts and mitigation measures are further described below.

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

## **BVDSP EIR Consistency Analysis**

The analysis below looks specifically at the proposed project's consistency with the BVDSP EIR. As shown in Table 6, accounting for trips generated by the existing uses that the proposed project would eliminate, the proposed project would generate approximately no net new vehicle trips during the weekday AM peak hour (10 fewer inbound and 10 additional outbound) and approximately nine net new vehicle trips during the weekday PM peak hour (nine additional inbound and no additional outbound).

## Analysis of Proposed Project and Other Projects that are in Development under the

**Development Program Analyzed in the BVDSP EIR.** Table 5 lists the development projects within BVDSP Plan Area that have been constructed, are currently under construction, approved, and/or proposed, including the proposed project. Existing uses on each site are accounted for in Table 5.

Table 6 compares the total amount of development constructed, currently under construction, approved, and/or proposed with the Development Program Buildout assumptions used in the BVDSP EIR for the Plan Area (Subdistricts 1 through 5), the North End subarea (Subdistricts 4 and 5) and Subdistrict 5. The project site is in Subdistrict 5 of the North End subarea of the Plan Area. In sum, the amount of residential development constructed, currently under construction, approved, and proposed for the Plan Area and Subdistrict 5 is more than the residential development that was assumed under the Development Program Buildout in the BVDSP EIR, while the amount of residential development in the North End subarea and the amount of non-residential development in the Plan Area, the North End, and Subdistrict 5 is less than what was assumed under the Development in the BVDSP EIR.

Table 4. Project	venicie i rij	General	lion					
			Weekday			Weekday PM Peak Hour		ır
	ITF			Cak Hot	<b>1</b> 1	1 101 1	eak not	
Land Use	Code	Daily	In	Out	Total	In	Out	Total
PROPOSED PROJECT								
Multi-Family Residentia	al							
45 Units	220ª	400	5	21	26	27	15	42
Retail								
2.8 KSF	820 <sup>b</sup>	120	2	1	3	5	6	11
Subtotal		520	7	22	29	32	21	53
Non-Auto Reduction (-2	.3.6%) <sup>c</sup>	-120	-2	-5	-7	-8	-5	-13
Total New Project Vehi	cle Trips	400	5	17	22	24	16	40
EXISTING PROJECT								
Auto Detailing & Rep	air							
12.8 KSF	942 <sup>d</sup>	-410	-19	-10	-29	-19	-21	-40
Non-Auto Reduction	(-23.6%) <sup>c</sup>	100	4	3	7	4	5	9
Total Existing Trips		-310	-15	-7	-22	-15	-16	-31
Net New Project Vehicl	e Trips	90	-10	10	0	9	0	9

#### Table 4. Project Vehicle Trip Generation

<sup>a</sup> Weekday daily rate = 6.06(X) + 123.56; AM peak rate = 0.49(X) + 3.73 (20 percent in, 80 percent out); PM peak rate = 0.55(X) + 17.65 (65 percent in, 35 percent out).

<sup>b</sup> Weekday daily rate = 42.7(X); AM peak rate = 0.96(X) (88 percent in, 12 percent out); PM peak rate = 3.71(X) (17 percent in, 83 percent out).

<sup>c</sup> Reduction of 23.6 percent based on City of Oakland *Transportation Impact Review Guidelines* for development in an urban environment between 0.5 to 1.0 miles of a BART station.

<sup>d</sup> Weekday daily rate = 32.30(X); AM peak rate = 2.25(X) (66 percent in, 34 percent out); PM peak rate = 3.11(X) (48 percent in, 52 percent out).

Source: Fehr & Peers, 2017.

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

# Table 5.Developments in the Broadway Valdez District Specific Plan

24th and Harrison	2	Approved	437	65.0	0	0	55.2 KSF Auto Dealership, 5.3 KSF Auto Repair, and 3.25 KSF Fitness Center	437	6.6	0	0	-5.3
2305 Webster St	1	Approved	130	3.0	0	0	Parking Lot	130	3.0	0	0	0
2401 Broadway	3	Proposed	80	26.6	0	167	15.5 KSF Auto Dealership, and 7.1 KSF Retail	80	3.9	0	167	0
2424 Webster	3	Proposed	0	10.0	48.8	0	12.5 KSF Retail	0	-2.5	48.8	0	0
2500 Webster	3	Proposed	30	6.4	0	0	6.3 KSF Auto Dealership	30	0.1	0	0	0
3300 Broadway Proposed Project	5	Proposed	45	2.9	0	0	12.8 KSF Auto Repair	45	2.9	0	0	-12.8
Total			2,805	342.5	112.8	167		2,802	151.4	112.8	167	-73.5

<sup>1</sup> DU = dwelling units, ksf = 1,000 square feet <sup>2</sup> Consists of active uses at the time the BVDSP EIR was prepared.

<sup>3</sup> Retail and non-retail uses (such as auto repair and warehouses) are presented separately because the non-retail uses generate fewer trips than typical retail uses.

Source: City of Oakland, September 2017.

	Residential (DU)	Retail (KSF)	Office (KSF)	Hotel (Rooms)
Plan Area (Subdistricts 1 through 5)				
Constructed, Under Construction, Approved, and Proposed Development Projects <sup>a</sup>	2,802	151.4	112.8	167
Development Program Buildout <sup>b</sup>	1,797	1,114.1	694.9	180
Percent Completed	156%	14%	16%	93%
North End (Subdistricts 4 and 5)				
Constructed, Under Construction, Approved, and Proposed Development Projects <sup>a</sup>	816	-4.8 <sup>c</sup>	0	0
Development Program Buildout <sup>b</sup>	832	320.6	578.8	0
Percent Completed	98%	<0%	0%	0%
Subdistrict 5				
Constructed, Under Construction, Approved, and Proposed Development Projects <sup>a</sup>	598	19.4	0	0
Development Program Buildout <sup>b</sup>	445	209.5	538.3	0
Percent Completed	134%	9%	0%	0%

#### Table 6. Development Comparison within the Plan Area, North End, and Subdistrict 5

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

<sup>a</sup> Information from City of Oakland, September 2017. Accounts for existing active uses that would be eliminated.

<sup>b</sup> Based on Table 4.13-7 on page 4.13-37 of BVDSP EIR.

<sup>c</sup>The net amount of retail is negative due to existing uses that would be eliminated by the proposed developments. Source: Fehr & Peers, 2017.

Table 7 compares the trip generation associated with the proposed project to trip generation in the Plan Area (Subdistricts 1 through 5), the North End subarea (Subdistricts 4 and 5), and Subdistrict 5.

Trips generated by the proposed project, together with trips generated by other projects that are constructed, currently under construction, approved, or proposed for development in the Plan Area, would represent approximately 49 percent of the AM and 47 percent of the PM peak-hour trips

anticipated in the BVDSP EIR, 30 percent of the AM and 35 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the North End subarea, and 33 percent of the AM and 39 percent of the PM peak-hour trips anticipated in the BVDSP EIR for Subdistrict 5.

The trip generation numbers are less than the BVDSP EIR estimates for the Development Program. Although the amount of residential development in the Plan Area and Subdistrict 5 is currently more than what was assumed under the Development Program Buildout in the BVDSP EIR, the trip generation for the Plan Area and Subdistrict 5 is below the trip generation estimated in the BVDSP EIR because the amount of retail and office uses currently proposed are below the BVDSP EIR assumptions. Given that the BVDSP EIR analyzed the impacts of the Development Program at signalized intersections in the immediate vicinity of the project site, the project would not cause additional impacts beyond those analyzed in the BVDSP EIR, nor would it increase the magnitude of the impacts identified in the BVDSP EIR.

	Weekday AM Peak Hour			Weekd PM Pea		
	In	Out	Total	In	Out	Total
Plan Area (Subdistricts 1 through 5)						
Constructed, Development Projects Approved, Proposed, or Under Construction <sup>a</sup>	294	684	972	984	774	1,757
Development Program Buildout <sup>b</sup>	1,152	829	1,981	1,702	2,007	3,709
Percent Completed	26%	83%	49%	58%	39%	47%
North End (Subdistricts 4 and 5)						
Constructed, Development Projects Under Construction, Approved, or Proposed	64	257	321	367	228	595
Development Program Buildout <sup>b</sup>	695	387	1,082	689	1,014	1,703
Percent Completed	9%	66%	30%	53%	22%	35%
Subdistrict 5						
Constructed, Development Projects Under Construction, Approved, or Proposed	86	198	284	304	212	516
Development Program Buildout <sup>b</sup>	603	268	871	495	836	1,331
Percent Completed	14%	74%	33%	61%	25%	39%

## Table 7.Trip Generation Comparison

<sup>a</sup> Based on application of the BVDSP trip generation model with the developments shown in Table4, and accounts for the trips generated by existing uses that would be eliminated.

<sup>b</sup> Based on Table 4.13-10 on page 4.13-43 of the BVDSP EIR.

Source: Fehr & Peers, 2017

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

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

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

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

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

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

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

- Reconfigure the 24<sup>th</sup> Street approach at the intersection to restrict access (i.e., right turns only from 27<sup>th</sup> Street to 24<sup>th</sup> Street) and create a pedestrian plaza at the intersection approach;
- Convert 24<sup>th</sup> Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24<sup>th</sup> Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection;

- Modify the eastbound 27<sup>th</sup> Street approach from the current configuration (i.e., one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes;
- Realign pedestrian crosswalks to shorten pedestrian crossing distances;
- Reduce the length of the signal cycle from 160 to 120 seconds and optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic); and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group.

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

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

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

- Upgrade traffic signal operations at the intersection to actuated coordinated;
- Reconfigure the westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane;
- Provide protected left-turn phases for the northbound and southbound approaches;
- Optimize signal timing (i.e., change the amount of green time assigned to each lane of traffic); and
- Coordinate signal timing changes at this intersection with adjacent intersections that are in the same signal coordination group.

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

According to the BVDSP EIR, the project applicant would fund the cost of preparing and funding these mitigation measures. However, because the City of Oakland adopted the citywide Transportation Impact Fee (TIF) program, the applicant could pay the applicable TIF to mitigate project impacts, as identified above.

Additional Study Intersections. The *City of Oakland Transportation Impact Study Guidelines* require analysis of project impacts at intersections adjacent to the project site, signalized and all-way stop-

controlled intersections where the project would add 50 or more peak hour trips, and side-street stopcontrolled intersections where the project would add ten or more trips to the stop-controlled approach. The BVDSP EIR evaluated the two intersections adjacent to the project site: Hawthorne Avenue/Brook Street/Broadway and Piedmont Avenue/Broadway intersections.

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

## Conclusion

The project trip generation for projects that are currently approved, proposed, or under construction in the Plan Area, the North End, and Subdistrict 5, including the proposed project, remains lower than the estimated trip generation in the BVDSP EIR under the Development Program for those areas. Additionally, the proposed project would not result in significant impacts to other intersection not analyzed in the BVDSP EIR. Therefore, the project would not cause additional impacts beyond the locations analyzed in the EIR; nor would the project increase the magnitude of the impacts identified in the EIR. In addition, this transportation analysis determined that the project would not result in any significant impacts to vehicle access and circulation, bicycle access and bicycle parking, pedestrian access and circulation, and transit access, consistent with the findings of the BVDSP EIR.

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

**Recommended Improvement #1:** Although not required to address a CEQA impact, the following should be considered as part of the final design and/or conditions of approval of the project:

- Ensure that the project driveway on Brook Street would provide adequate sight distance<sup>27</sup> between motorists exiting the driveway and pedestrians on the adjacent sidewalks. This may require redesigning and/or widening the driveway. If adequate sight distance cannot be provided, consider providing visual warning devices at the driveway.
- To ensure adequate sight distance for motorists entering and exiting the garage driveway, prohibit on-street parking within 20 feet on either side of the garage driveways on Brook Street.

<sup>&</sup>lt;sup>27</sup> Sight distance is dependent on each specific location; typically, adequate sight distance is defined as a clear line-of-sight between a motorist 10 feet back from the sidewalk and a pedestrian ten feet away on each sides of the driveway.

# 14. Utilities and Service Systems

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

Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Violate applicable federal, state and local statutes	$\boxtimes$		
Result in a determination by the energy provider			
which serves or may serve the project that it does			
not have adequate capacity to serve the project's projected demand in addition to the providers'			
existing commitments and require or result in			
construction of new energy facilities or expansion			
cause significant environmental effects.			

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

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

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

On the other hand, development projects may increase sewer capacity demand. Implementation of SCAs requiring stormwater control during and after construction would address potential impacts on stormwater treatment and sanitary sewer infrastructure.

### Solid Waste Services (Criterion 14c)

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

## Energy (Criterion 14d)

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

## **Project Analysis and Conclusion**

The BVDSP allows for flexibility with respect to the quantity and profile of future development within each subarea and between subareas as long as such development conforms to the general traffic generation parameters established by the Plan. The Development Program is not intended to be a cap that restricts development. As shown in Table 1 of Appendix D, Site Number 21 was assumed to include the project site plus three adjacent parcels on Brook Street and together the estimated number of dwelling units for that "opportunity site" was 64 units; as indicated throughout this CEQA document, the project proposes to build only 45 units on only one of the parcels included under Site 21. The difference between what had been assumed in the BVDSP and what is actually being proposed represents a minor net change in the Development Program in terms of environmental impacts because the proposed project conforms to the traffic generation parameters analyzed in the BVDSP EIR, as described above in Section 13, Transportation and Circulation. As such, the proposed project is within the envelope of the Development Program analyzed in the BVDSP EIR.

The water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy associated with the proposed project, are consistent with the Development Program analyzed in the BVDSP EIR. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. However, the proposed project would pay a sewer mitigation fee, which would either contribute to the cost of replacing pipes for the local collection system to increase capacity or be used to perform inflow and infiltration rehabilitation projects outside of the Plan Area, as described in the BVDSP EIR.

Based on an examination of the analysis, findings, and conclusions in the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of the significant impacts identified in that report, nor would it result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to utilities and service systems, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to construction and demolition waste reductions and recycling, underground utilities, recycling collection and storage space, "green" building requirements, a sanitary sewer system, and the storm drain system, as identified in Attachment A at the end of the CEQA checklist (SCA UTIL-1: *Construction and Demolition Waste Reduction and Recycling*, SCA

UTIL-2: Underground Utilities, SCA UTIL-3: Recycling Collection and Storage Space, SCA UTIL-4: Green Building Requirements, SCA UTIL-5: Sanitary Sewer System, and SCA UTIL-6: Storm Drain System).

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

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA MMRP) is based on the CEQA Analysis prepared for the 24<sup>th</sup> and Harrison mixed-use residential development.

This SCA MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The SCA MMRP lists mitigation measures ("MM") recommended in the EIR and identifies mitigation monitoring requirements, as well as the City's Standard Conditions of Approval ("SCA") identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. The SCA number that corresponds to the City's master SCA list is provided at the end of the SCA title — i.e., SCA AIR-1: *Construction-Related Air Pollution (Dust and Equipment Emissions)* (#19).

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

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

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

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

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

	Mitigation Implementation/Monitoring				
Standard Conditions of Approval/Mitigation Measures	When	Initial Approval	Monitoring/		
Standard Conditions of Approval/Witigation Measures	Required		Inspection		
Aesthetics, Shadow and Wind					
SCA AES-1: Graffiti Control (#16).	Ongoing	N/A	Bureau of Building		
shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:					
i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.					
ii. Installation and maintenance of lighting to protect likely graffiti- attracting surfaces.					
iii. Use of paint with anti-graffiti coating.					
iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).					
v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.					
b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:					
i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.					
ii. Covering with new paint to match the color of the surrounding surface.					
iii. Replacing with new surfacing (with City permits if required).					
SCA AES-2: Landscape Plan (#17).	Prior to approval	Bureau of	N/A		
a. Landscape Plan Required	related permit	Planning	Bureau of		
The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.	Prior to building permit final Ongoing	Bureau of Planning N/A	Bureau of Building		
b. Landscape Installation					
The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.					
c. Landscape Maintenance All required planting shall be permanently maintained in good growing					

	Mitigation Implementation/Monitoring				
	When		Monitoring/		
Standard Conditions of Approval/Mitigation Measures condition and, whenever necessary, replaced with new plant materials to	Required	Initial Approval	Inspection		
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.					
SCA AES-3: Lighting (#18).	Prior to building	N/A	Bureau of		
Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.	permit final		Building		
Air Quality	1				
<b>SCA AIR-1:</b> Construction-Related Air Pollution Controls (Dust and Equipment Emissions) (#19). The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:	During construction	N/A	Bureau of Building		
a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.					
b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).					
c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.					
d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.					
e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).					
f. Limit vehicle speeds on unpaved roads to 15 miles per hour.					
g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.					
h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes					

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and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").					
i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.					
j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.					
k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.					
I. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.					
m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.					
n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).					
o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.					
p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind-blown dust. Wind breaks must have a maximum 50 percent air porosity.					
q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.					
r. Activities such as excavation, grading, and other round-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.					
s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.					
t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.					
u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel					

	Mitigation Implementation/Monitoring				
	When		Monitoring/		
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection		
Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.					
v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).					
w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.					
x. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.					
y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.					
SCA AIR-2: Exposure to Air Pollution (Toxic Air Contaminants) (#20).	Ongoing	N/A	Bureau of		
a. Health Risk Reduction Measures			Building		
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.					
b. Maintenance of Health Risk Reduction Measures					
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.					
<b>SCA AIR-3:</b> Asbestos in Structures (#23). The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.	Prior to approval of construction- related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction		
Biological Resources					
<b>SCA BIO-1:</b> <i>Tree Removal During Bird Breeding Season</i> (#26). 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	Prior to removal of trees	Bureau of Building.	Bureau of Building.		

	Mitigation Implementation/Monitoring		
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Iccated 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 appropriated near the nest.	Required		Inspection
<ul> <li>SCA BIO-2: Tree Permit (#27).</li> <li>Tree Permit required.</li> <li>Tree Protection during construction. 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:</li> <li>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.</li> <li>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.</li> </ul>	Prior to approval of construction- related permit During construction	Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building Public Works Department, Tree Division	Bureau of Building Bureau of Building
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.			
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			

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When	Initial Approval	Monitoring/
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. 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.			
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.			
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.			
See SCA Hydro-2 Creek Protection Plan (54), below			
Cultural Resources	1	1	1
<b>SCA CUL-1:</b> Archaeological and Paleontological Resources – Discovery During Construction (#29). Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the project	During construction	N/A	Bureau of Building
applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for			

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	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
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 avenage)			
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.			
<b>SCA CUL-2:</b> <i>Human Remains – Discovery During Construction</i> (#31). Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.	During construction	N/A	Bureau of Building
<b>SCA CUL-3:</b> <i>Property Relocation</i> (#32). Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, the project applicant shall make a good faith effort to relocate the historic resource to a site acceptable to the City. A good faith effort includes, at a minimum, all of the following: Advertising the availability of the building by: (1) posting of large visible	Prior to approval of construction- related permit	Bureau of Planning (including Oakland Cultural Resource Survey)	N/A

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/
<ul> <li>(2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;</li> </ul>			
Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City;			
Maintaining the signs and advertising in place for a minimum of 90 days; and			
Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.			
Geology, Soils and Geohazards			
<b>SCA GEO-1:</b> <i>Construction-Related Permit(s)</i> (#33). The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<b>SCA GEO-2:</b> <i>Soils Report</i> (#34). The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
Hazards and Hazardous Materials			
<b>SCA HAZ-1:</b> <i>Hazardous Materials Related to Construction</i> (#39). 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:	During construction	N/A	Bureau of Building
a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;			
b. Avoid overtopping construction equipment fuel gas tanks;			
<ul> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> </ul>			
d. Properly dispose of discarded containers of fuels and other chemicals;			
e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention			

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Program); and f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.			
<ul> <li>SCA HAZ-2: Site Contamination (#40).</li> <li>a. Environmental Site Assessment Required</li> <li>The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</li> <li>As recommended in the Phase II ESA prepared for the project, the project sponsor shall prepare a Soil Management Plan, which is the functional equivalent of the Health and Safety Plan, required per this SCA , prior to construction to mitigate potential exposures to residual contamination left in place from the site's historical use, which shall 1) provide recommended measures to address environmental health and safety risks associated with the residual chemicals in soil and groundwater; 2) address special handling procedures required based upon the future development plans; and 3) include contingency plans to be implemented during soil excavation if unanticipated features or hazardous materials are encountered would also be presented. In addition, the project sponsor shall perform additional groundwater sampling near the corner of 30<sup>th</sup> Street and Broadway as well as in the area of the recently discovered and closed USTs.</li> </ul>	Prior to approval of construction- related permit Prior to approval of construction- related permit During construction	Oakland Fire Department Bureau of Building N/A	Oakland Fire Department Bureau of Bureau of Building
b. Health and Safety Plan Required The project applicant shall submit a Health and Safety Plan for review and approval by the City to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.			

	Mitigation Implementation/Monitoring		iitoring
Standard Conditions of Approval/Mitigation Measures	When	Initial Approval	Monitoring/
Standard Conditions of Approvaly writigation measures	Required		mspection
<i>c. Best Management Practices Required for Contaminated Sites</i> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:			
i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off- site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.			
ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.			
<b>SCA HAZ-3:</b> <i>Hazardous Materials Business Plan</i> (#41). The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.			
b. The location of such hazardous materials.			
<ul> <li>c. An emergency response plan including employee training information.</li> </ul>			
d. A plan that describes the manner in which these materials are handled, transported, and disposed.			
Hydrology and Water Quality			
SCA HYD-1: Erosion and Sedimentation Control Plan for Construction (#45). a. Erosion and Sedimentation Control Plan Required	Prior to approval of construction- related permit	Bureau of Building N/A	N/A Bureau of Building
The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and	During construction		

	Mitigation Implementation/Monitoring		
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
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. <i>b.</i> <b>Erosion and Sedimentation Control During Construction</b>			
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.			
<b>SCA HYD-2:</b> NPDES C.3 Stormwater Requirements for Regulated Projects (#50).	Prior to approval of construction-	Bureau of Planning; Bureau	Bureau of Building
a. Post-Construction Stormwater Management Plan Required	related permit	of Building	Bureau of
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:	Prior to building permit final	Bureau of Building	Building
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			

	Mitigation Implementation/Monitoring		
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
C.3, so that post-project stormwater runoff flow and duration match pre- project runoff.			
b. Maintenance Agreement Required			
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:			
i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and			
ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.			
The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.			
SCA Hyd-3: Creek Protection Plan (#54)			
a. Creek Protection Plan Required			
<b>Requirement:</b> The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).	Prior to approval of construction related permit	Bureau of Planning	N/A
b. Construction BMPs			
<b>Requirement:</b> The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:	Prior to approval of construction related permit	Bureau of Planning	N/A
i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.			
ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent			

	Mitigation Implementation/Monitoring		
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.			
iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.			
iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.			
v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.			
vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.			
vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.			
viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.			
ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.			
x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.			
xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.			
xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials			

	Mitigation Implementation/Monitoring		
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).			
xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.			
c. Post-Construction BMPs			
<b>Requirement:</b> The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.	Prior to approval of construction related permit	Bureau of Planning	N/A
d. Creek Landscaping			
<b>Requirement:</b> The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.	Prior to approval of construction related permit	Bureau of Planning	N/A
Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.			
e. Creek Protection Plan Implementation			
<b>Requirement:</b> The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.	Prior to approval of construction related permit	Bureau of Planning	N/A

	Mitigation Implementation/Monitoring		
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Noise			
SCA NOI-1: Construction Days/Hours (#58). The project applicant shall comply with the following restrictions concerning construction days and hours:	During construction	N/A	Bureau of Building
a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.			
b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.			
c. No construction is allowed on Sunday or federal holidays.			
Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.			
Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous 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.			
<b>SCA NOI-2:</b> <i>Construction Noise</i> (#59). The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:	During construction	N/A	Bureau of Building
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			
	Mitigation Imple	ementation/Mon	itoring
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	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
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 (#60).	Prior to approval	Bureau of Building	Bureau of
a. Construction Noise Management Plan Required	of construction- related permit		Building
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:	During construction		
i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;			
ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;			
iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;			
iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and			
v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.			
b. Public Notification Required			

	Mitigation Implementation/Monitoring		itoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
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.			
<b>SCA NOI-4:</b> <i>Construction Noise Complaints</i> (#62). The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<ul> <li>a. Designation of an on-site construction complaint and enforcement manager for the project;</li> </ul>			
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;			
<ul> <li>c. Protocols for receiving, responding to, and tracking received complaints; and</li> </ul>			
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.			
<b>SCA NOI-5:</b> <i>Operational Noise</i> (#64). Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.	Ongoing	N/A	Bureau of Building
<b>SCA NOI-6:</b> <i>Exposure to Community Noise</i> (#63). The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
a. 45 dBA: Residential activities, civic activities, hotels			
b. 50 GBA: Administrative offices; group assembly activities c. 55 dBA: Commercial activities			
d. 65 dBA: Industrial activities			

	Mitigation Imple	ementation/Mon	itoring
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Standard Conditions of Approval/Mitigation Measures	Required	initial Approval	inspection
Transportation and Circulation			
Mitigation Measure TRANS-2: Implement the following measures at the Perry Place / I 580 Eastbound Ramps/Oakland Avenue intersection: Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour	Investigation of the need for this mitigation shall be studied and submitted for		City of Oakland Planning and Building Department City of Oakland
Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation.	review and approval to the City of Oakland, at the time when about 15 percent		– Building Services Division, Zoning Inspection
To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division and Caltrans for review and approval:	of the Development Program is operational and		City of Oakland Transportation Services Division
Plans, Specifications, and Estimates (PS&E) to modify intersection. All elements shall be designed to City and Caltrans standards in effect at the time of construction and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and Americans with Disabilities Act (ADA) standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below:	thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.		
2070L Type Controller with cabinet assembly	The City of Oakland will notify		
GPS communications (clock)	Sponsor when this		
Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)	threshold is reached.		
Countdown pedestrian head module switch out	If investigations at		
City standard ADA wheelchair ramps	the required intervals show this		
Video detection on existing (or new, if required)	mitigation is still		
Mast arm poles, full actuation (where applicable)	Project Sponsor		
Polara push buttons (full actuation)	will submit Plans,		
Bicycle detection (full actuation)	Estimates (PS&E)		
Pull boxes	for review and		
Signal interconnect and communication with trenching (where applicable), or through (E) conduit (where applicable) – 600 feet maximum	City for implementation of this mitigation.		
Conduit replacement contingency			
Fiber Switch			
PTZ Camera (where applicable)			

	Mitigation Implementation/Monitoring		itoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
Transit Signal Priority (TSP) equipment consistent with other signals along corridor			
Signal timing plans for the signals in the coordination group.			
The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.			
A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 15 percent of the Development Program is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.			
<ul> <li>Mitigation Measure TRANS-10: Implement the following measures at the 27<sup>th</sup> Street/24<sup>th</sup> Street/Bay Place/Harrison Street intersection:</li> <li>Reconfigure the 24<sup>th</sup> Street approach at the intersection to restrict access to 24th Street to right turns only from 27th Street and create a pedestrian plaza at the intersection approach.</li> <li>Convert 24th Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24th Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection.</li> <li>Modify eastbound 27th Street approach from the current configuration (one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes.</li> <li>Realign pedestrian crosswalks to shorten pedestrian crossing distances.</li> <li>Reduce signal cycle length from 160 to 120 seconds, and optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).</li> <li>Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.</li> <li>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</li> <li>PS&amp;E to modify intersection as detailed in Mitigation Measure TRANS-2.</li> </ul>	Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2016 (one year prior to the horizon date) and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. If investigations in 2016, or subsequent years, as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimator (PS&E)		City of Oakland Planning and Building Department City of Oakland – Building Services Division, Zoning Inspection City of Oakland Transportation Services Division
PS&E to modify intersection as detailed in Mitigation Measure TRANS- 2. Signal timing plans for the signals in the coordination group.	required, submit Plans, Specifications, and Estimates (PS&E) for review and		

	Mitigation Imple	ementation/Mor	itoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts. A straight line interpolation of intersection traffic volume between Existing and 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2017. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	approval by the City for implementation of this mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.		
<b>Mitigation Measure TRANS-22:</b> Implement the following measures at the 27 <sup>th</sup> Street/Broadway intersection: Upgrade traffic signal operations at the intersection to actuated-	Investigation of the need for this mitigation shall be		City of Oakland Planning and Building
coordinated operations Reconfigure westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane.	studied and submitted for review and approval to the City of Oakland, in 2023 (one year		City of Oakland – Building Services Division, Zoning
Provide protected left-turn phase(s) for the northbound and southbound approaches. Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).	prior to the horizon date),and every three years thereafter until		Inspection City of Oakland Transportation Services
Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.	2035 or until the mitigation measure is		Division
To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:	implemented, whichever occurs first.		
<ul> <li>PS&amp;E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group.</li> <li>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</li> <li>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2024. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</li> </ul>	If investigations in 2023, or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.		

	Mitigation Implementation/Monitoring		itoring
Standard Conditions of Approval/Mitigation Measures	When Required	Initial Approval	Monitoring/ Inspection
	This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.		
<ul> <li>SCA TRANS-1: Construction Activity in the Public Right-of-Way (#68).</li> <li>a. Obstruction Permit Required</li> <li>The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.</li> <li>b. Traffic Control Plan Required</li> <li>In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall 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</li> </ul>	Prior to approval of construction- related permit Prior to approval of construction- related permit Prior to building permit final	Bureau of Building Public Works Department, Transportation Services Division N/A	Bureau of Building Bureau of Building Bureau of Building
SCA TRANS-2: Bicycle Parking (#69). The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
<b>SCA TRANS-3:</b> <i>Transportation Improvements</i> (#70). The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Study for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, and pedestrian and bicyclist amenities). The project applicant is responsible for funding and installing the improvements,	Prior to building permit final or as otherwise specified	Bureau of Building; Public Works Department, Transportation Services Division	Bureau of Building

		Mitigation Imple	ementation/Mor	itoring
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Sta	shall obtain all necessary nermits and approvals from the City	Required	initial Approval	Inspection
and	/or other applicable regulatory agencies such as, but not limited to,			
Calt	rans (for improvements related to Caltrans facilities) and the			
Cali	fornia Public Utilities Commission (for improvements related to			
this	measure for intersection modifications, the project applicant shall			
sub	mit Plans, Specifications, and Estimates (PS&E) to the City for			
star	ew and approval. All elements shall be designed to applicable City adards in effect at the time of construction and all new or upgraded			
sign	als shall include these enhancements as required by the City. All			
oth	er facilities supporting vehicle travel and alternative modes through			
star	inderds (according to Federal and State Access Board guidelines) at			
the	time of construction. Current City Standards call for, among other			
iten	ns, 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			
I.	Conduit replacement contingency			
m.	Fiber switch			
n.	PTZ camera (where applicable)			
0.	Transit Signal Priority (TSP) equipment consistent with other signals along corridor			
p.	Signal timing plans for the signals in the coordination group			
Util	ities and Service Systems			
SCA Rec Oak Ord	<b>UTIL-1:</b> Construction and Demolition Waste Reduction and ycling (#74). The project applicant shall comply with the City of cland Construction and Demolition Waste Reduction and Recycling inance (chapter 15.34 of the Oakland Municipal Code) by	Prior to approval of construction- related permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services

	Mitigation Implementation/Monitoring		itoring
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
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.			Division
<b>SCA UTIL-2:</b> Underground Utilities (#75). The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.	During construction	N/A	Bureau of Building
<b>SCA UTIL-3:</b> <i>Recycling Collection and Storage Space</i> (#76). The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
SCA UTIL-4: Green Building Requirements (#77).	Prior to approval	Bureau of Building	N/A
a. Compliance with Green Building Requirements During Plan-Check	of construction- related permit	N/A	Bureau of Building
The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code). i. The following information shall be submitted to the City for review and approval with the application for a building permit:	During construction After project completion as specified	Bureau of Planning	Bureau of Building
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.			

	Mitigation Impl	ementation/Mor	nitoring
	When		Monitoring/
Standard Conditions of Approval/Mitigation Measures	Required	Initial Approval	Inspection
Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.			
Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.			
Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.			
Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.			
Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.			
ii. The set of plans in subsection (i) shall demonstrate compliance with the following:			
CALGreen mandatory measures.			
All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.			
Minimum of 23 points per the appropriate checklist approved during the Planning entitlement process.			
All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.			
The required green building point minimums in the appropriate credit categories.			
b. Compliance with Green Building Requirements During Construction			
The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.			
The following information shall be submitted to the City for review and approval:			
i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.			
ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the			

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

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

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

**Proposed Project.** The proposed project would be located in the Broadway Valdez District Specific Plan (BVDSP)<sup>28</sup> area (Plan Area). It would demolish the existing building on site, which is not considered an historic resource for the purposes of CEQA. The new building would be approximately 65,000 gross square feet in size and would have five floors and would reach a height of 55 feet at the roof line. The project would include up to 39,133 square feet of rentable residential space (up to 45 residential units) and up to 2,824 square feet of ground floor commercial space.

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

- The land use designation for the site is Community Commercial; this designation applies to areas suitable for a wide variety of commercial and institutional operations along the City of Oakland's major corridors and in shopping district or centers. The proposed mixed-use project would be consistent with this designation.
- The project is zoned D-BV-3 (Mixed Use Boulevard Zone). The D-BV-3 Zone allows a wide range of ground-floor retail and other commercial activities with upper-story spaces intended to be available for residential and office or other commercial activities. Residential uses are permitted as-of-right in the D-BV-3 zone except on the ground floor within 60 feet of any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue. In that instance, ground floor residential requires a Conditional Use Permit. Incidental pedestrian entries leading to these activities in stories above the ground are exempt from this restriction.

<sup>&</sup>lt;sup>28</sup> City of Oakland, 2014. Broadway Valdez District Specific Plan. Adopted June.

- In the D-BV-3 zone commercial activities permitted as-of-right include general food sales, full service restaurants, limited service restaurants and cafes and general retail sales. Alcohol beverage sales are conditionally permitted. The proposed mixed-use residential development with commercial use on the ground floor is consistent with the zoning.
- The permitted Floor Area Ratio (FAR) for project in the 45 foot height area is 2.5 for the nonresidential areas of the project site. The project site is approximately 16,960 square feet, and therefore the maximum non-residential FAR allowed would be 42,400 square feet. The proposed project would provide approximately 2,824 square feet of commercial space which is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.
- With respect to residential density, the 45 foot height area allows 1 dwelling unit per 450 square feet of lot area. For mixed-use projects, the maximum residential density is based on the total lot area and any square footage occupied by a non-residential use is included in the lot area calculation. The project site is approximately 16,960 square feet in size; and as such, the maximum residential density on the project site would be 37 dwelling units. The project proposes a commitment that ten (10) percent of the dwelling units would be restricted to rent levels or purchase pricing so as to be affordable to low income households. In return for this commitment the project is entitled to a 20 percent density bonus in accordance with Section 17.107.040 of the City's Planning Code. The 20 percent with the provisions of the BVDSP and the City's Planning Code.
- With regard to building height, the project site is in the 45 foot height area, which sets the maximum height at 45 feet and the number of stories above grade at four. The proposed project would be 55 feet in height and would have five stories. The additional building height and number of stories is allowable as a concession granted under Section 17.107.080 of the City's Planning Code in return for the affordable housing commitment described above. Therefore, the proposed project would comply with the amount of residential density and building height allowed under the Planning Code and fits within the residential assumptions of the BVDSP EIR. Therefore, in accordance with Section 15183 of the CEQA Guidelines, the proposed project is consistent with the BVDSP EIR. Therefore, the height of the proposed project is complies with the BVDSP. In accordance with Section 15183 of the CEQA Guidelines, the proposed project is consistent with the BVDSP.

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

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#### Attachment C: Infill Performance Standards, Per CEQA Guidelines Section 15183.3

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

Tab Proj	Table C-1 Project Infill Eligibility				
CEC	A Eligibility Criteria	Eligible?/Notes for Proposed Project			
1.	Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter. For the purpose of this subdivision, "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes The project site has been previously developed with commercial uses and adjoins existing urban uses, as described in the Project Description, above.			
2.	Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below: 2a. <i>Performance Standards Related to Project</i>	_			
	following:				

Table C-1 Project Infill Eligibility			
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project		
Renewable Energy.	Not Applicable		
<ul> <li>Non-Residential Projects. All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible.</li> <li>Residential Projects. Residential projects are also encouraged to include such onsite renewable power generation.</li> </ul>	According to Section IV (G) of CEQA Appendix M, for mixed-use projects "the performance standards in this section that apply to the predominant use shall govern the entire project." Because the predominant use is residential, the proposed project is not required to include onsite renewable power generation.		
Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.	Not Applicable		
Residential Units Near High-Volume Roadways and Stationary Sources. 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	Yes The proposed project would include residential units within 1,000 feet of one major roadway (Piedmont Avenue) and two stationary sources of air pollution; both sources are back-up diesel generators located within buildings within the Alta Bates Summit Medical Center campus. One is at 350Hawthorne Avenue, the other at 3100 Summit Street. In addition, the development at 3093		

Table C-1 Project Infill Eligibility				
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project			
<ul> <li>local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</li> <li>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution.</li> </ul>	Broadway, currently under construction, may include the operation of a backup diesel generator. These sources of air pollution within 1,000 feet of the project could cause the excess cancer risk, chronic HI, and PM2.5 concentrations at the project site to be greater than the City of Oakland's cumulative thresholds. Implementation of SCA Air-2 is required for the proposed project and would effectively reduce the potential health risk to below acceptable levels.			
2b. Additional Performance Standards by Project Type. In addition to implementing all the features described in criterion 2a above, the project must meet eligibility requirements provided below by project type. <sup>a</sup>				
<b>Residential.</b> A residential project must meet <u>one</u> of the following:	Yes			
A. Projects achieving below average regional per capita vehicle miles traveled. A residential project is eligible if it is located in a "low vehicle travel area" within the region;	The project site is well-served by multiple transit providers, including numerous Alameda-Contra Costa County Transit District (AC Transit) routes. Broadway qualifies as a "High Quality Transit Corridor," as defined by Section II of CEQA, with			
B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor. A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop	fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway near the project site, and has service intervals no longer			

Table C-1 Project Infill Eligibility				
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project			
<ul> <li>along a high quality transit corridor; or</li> <li>C. Low – Income Housing. A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</li> </ul>	than 15 minutes during peak commute hours. Other bus routes in the project vicinity further satisfy this criterion.			
<ul> <li>Commercial/Retail. A commercial/retail project must meet <u>one</u> of the following:</li> <li>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></li> <li>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.</li> </ul>	Not Applicable According to Section IV (G) of CEQA Appendix M, for mixed-use projects "the performance standards in this Section that apply to the predominant use shall govern the entire project." Because the predominant use is residential, the requirements for commercial/retail projects do not apply.			

Table C-1 Project Infill Eligibility				
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project			
<ul> <li>Office Building. An office building project must meeting <u>one</u> of the following:</li> <li>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></li> <li>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 corrider are oligible.</li> </ul>	Not Applicable			
Schools. Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible. Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.	Not Applicable			
Transit. Transit stations, as defined in Section 15183.3(e)(1), are eligible.	Not Applicable			

Tab	Table C-1 Project Infill Fligibility					
CEQ	A Eligibility Criteria	Eligible?/Notes for Proposed Project				
	Small Walkable Community Projects. Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.	Not Applicable				
3.	Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, <u>except</u> as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below: (b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; <u>or</u> (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).	Yes (see explanation below table)				
	(CEQA Guidelines Section 15183.3[b][3])					

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

**Explanation for Eligibility Criteria 3** – The adopted Plan Bay Area (2013),<sup>29</sup> which will be replaced when the draft Plan Bay Area 2040 is adopted, 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. As stated in the BVDSP, the Broadway Valdez District is considered a PDA. The proposed project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the BVDSP and described further below.

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

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

In the D-BV-3 zone, commercial activities permitted as-of-right include general food sales, full service restaurants, limited service restaurants and cafes and general retail sales. Alcohol beverage sales are conditionally permitted. A mixed-use residential development with permitted commercial uses on the project site is consistent with the underlying zoning.

The permitted Floor Area Ratio (FAR) for the 45 foot height area is 2.5 for the non-residential areas of the project site. The project site is approximately 16,690 square feet, and therefore the maximum non-residential FAR allowed would be 42,400 square feet. The proposed project would provide approximately 2,824 square feet of commercial space and which is well below the maximum FAR. Therefore, the proposed project would comply with the amount of non-residential FAR allowed under the Planning Code.

<sup>&</sup>lt;sup>29</sup> Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013. The Draft version of Plan Bay Area 2040 is accessible at <u>www.planbayarea.org</u>.

With respect to residential density, the 45 foot height area allows 1 dwelling unit per 450 square feet of lot area. For mixed-use projects, the maximum residential density is based on the total lot area and any square footage occupied by a non-residential use is included in the lot area calculation. The project site is approximately 16,960 square feet in size; and as such, the maximum residential density on the project site would be 37 dwelling units. Because the project would commit ten (10) percent of the dwelling units to rent levels or purchase pricing so as to be affordable to low income households, the project is entitled to a 20 percent density bonus in accordance with Section 17.107.040 of the City's Planning Code. The 20 percent bonus would bring the allowable number of units to 45 which would be consistent with the BVDSP and the City's Planning Code.

The project site is in the 45 foot height area, where the maximum height is 45 feet and the number of stories permitted, not including underground construction, is four. The proposed project would be up to 55 feet in height with five stories. The additional height and number of stories are legal concessions that are expected to be granted by the City in return for the commitment to restrict 10 percent of the 45 dwelling units to rents or sales prices affordable to low income households. The granting of the additional height as a concession is consistent with provisions in the City's Planning Code (17.107.080) and therefore, the height of the proposed project would comply with the BVDSP. Consequently, in accordance with Section 15183.3 of the CEQA Guidelines, the proposed project is consistent with the BVDSP.

#### Attachment D: Criteria for Use of Addendum, per CEQA Guidelines Sections 15164 and 15162

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

**Project Modifications.** The Broadway Valdez District Specific Plan (BVDSP) EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum feasible development that the City of Oakland has projected can reasonably be expected to occur in the BVDSP area (Plan Area) over a 25-year planning period.<sup>30</sup> Appendix D of the BVDSP identified the Development Program for a portion of the project site (identified as Project Site #21 in the BVDSP) in Table D.1: Illustrative Development Plan Program Map by Subdistrict.

The Development Program for Site 21 included 64 residential units and a net reduction of --14,517 square feet of retail. The proposed project involves only one of the parcels that comprise Site 21 and consequently differs from the assumed Development Program. The project site and would construct up to 45 residential units and up to 2,824 square feet of retail space. As shown in Table 1, the proposed project would provide fewer dwelling units for the site and additional commercial square footage compared with the estimate presented in Appendix D. The proposed project would reach 55 feet in height which is higher than the 45 foot height allowed under the BVDSP but consistent with the City's Planning Code as a concession in return for the affordable housing commitment.

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

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

As described in Section 13, Transportation and Circulation, the proposed project would generate no AM and nine PM net new peak-hour vehicle trips. Together with trips generated by other projects that are currently under construction, approved, or proposed for development in the Plan Area, this would represent: approximately 49 percent of the Am and 47 percent of the PM peak-hour trips anticipated in the BVDSP EIR; 30 percent of the AM and 35 percent of the PM peak-hour trips anticipated in the BVDSP EIR for the North End subarea; and 33 percent of the AM and 39 percent of the PM Peak-hour trips anticipated in the BVDSP EIR for Subdistrict 5. While the number of residential units proposed by the project combined with the number of residential units for projects under construction, approved, and proposed in the Plan Area would exceed the Development Program Buildout assumptions in the BVDSP EIR (2,805 net new residential units proposed compared to 1,800 residential units described in the EIR), the total amount of commercial space constructed and/or proposed is substantially less that that analyzed in the EIR.<sup>31</sup> Because trip generation from the proposed project, combined with that of other projects that are currently being developed under the BVDSP, would be within the scope of the program analyzed under the BVDSP EIR for the Plan Area, the North End, and Subdistrict 5, the traffic impact analysis, which the EIR determined was the key environmental factor constraining development, remains valid.

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

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

(1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

<sup>&</sup>lt;sup>31</sup> Approximately 151,400 gross square feet of net new retail uses and 112,800 square feet of office uses have been constructed and/or proposed compared to approximately 695,000 square feet of office space and 1,114,000 square feet of restaurant/retail space analyzed in the EIR.

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

**Project Consistency with Section 15162 of the CEQA Guidelines.** Since the certification of the Final EIR, no changes have occurred in the circumstances under which the revised project would be implemented, that would change the severity of the proposed project's physical impacts as explained in the CEQA Checklist above, and no new information has emerged that would materially change the analyses or conclusions set forth in the Final EIR.

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

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

### 3300 BROADWAY CREEK PROTECTION PLAN

Prepared for California Capital & Investment Group July 31<sup>st</sup>, 2017





### 3300 BROADWAY CREEK PROTECTION PLAN

Prepared for California Capital & Investment Group July 31st, 2017

ESA

550 Kearny Street Suite 800 San Francisco, CA 94108 415.262.2338 www.esassoc.com I os Angoles Oakland Olympia Petaluma Portland San I rancisco San Diego Seattle Tampa Woodland Hills D170507.00

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### 1 PROJECT DESCRIPTION AND APPLICABILITY OF CREEK PROTECTION PERMIT CATEGORIES

California Capital & Investment Group (CCIG) is proposing to redevelop an existing property (an auto body repair shop) at 3300 Broadway, Oakland. The redevelopment will be a mixed use residential and commercial property. The existing workshop occupies the entire parcel and encroaches within 20 feet of the top of bank in the northeastern corner, where the Broadway Branch of Glen Echo Creek emerges from a culvert and flows downstream through open channel. The existing building will be demolished and the new building constructed in its place, with a reduced footprint that avoids building construction within the 20 foot top of bank zone. The 20 foot top of bank zone that is currently occupied by the workshop will be landscaped and replanted using appropriate native riparian and upland plants, and will not contain impervious surfaces.

The adjacent parcel to the south of the site on Brook Street will be used as a temporary staging area during construction, used to access the building site and to store construction materials and equipment. This parcel has 50 feet of creek frontage and includes areas within 20 feet of top of bank, separated from the creek by a chain link fence. The proposed staging area is currently a disused asphalt-covered parking lot, with no existing riparian vegetation or natural cover within the fenceline. The adjacent riparian corridor will not be impacted or accessed during construction, and no permanent changes will be made to the staging area surface during construction, but BMPs will be added to prevent sediment or stormwater from the staging area reaching the creek.

Within the 3300 Broadway parcel there is no existing natural cover (e.g. riparian trees) outside the 20 foot top of bank zone and no grading or construction activities are currently planned within the 20 top of bank zone, subject to the caveats below. Based on the above description the project meets the criteria for a Category 3 Creek Protection Permit: "Exterior work that is located between 20 feet from the top of the Creek bank and 100 feet from the centerline of the Creek". Category 3 projects require submittal of a site plan and a Creek Protection Plan. This document contains those components.

### Caveats

This plan has been developed based on the site plan as shown in the YHL Architects plan of May 2<sup>nd</sup> 2017. It assumes that no grading work is performed in the creek or within the 20 foot top of bank zone except to remove the existing building and its foundations.

## 2 SITE PLAN

The project site consists of two parcels. 3300 Broadway is the main project site which will be redeveloped. Activities will include demolition and removal of an existing auto repair shop and replacement with a mixed use commercial and residential building.

3070 Brooks Street is the adjacent parking lot, which will be used as a temporary staging area. No permanent changes will be made to this site. The site is shown in planview in Figure 1 and a photograph shown in Figure 2.

## **3 SITE INSPECTION**

An ESA hydrologist and geomorphologist inspected the creek on 6/28/2017. The inspection involved accessing the creek via 3070 Brook Street and walking the creek bed and banks between the 3300 Broadway property line and a point a hundred feet downstream. The inspection did not reveal signs of active erosion or bank instability. The banks are densely vegetated with a mixture of native (e.g. willow) and non-native (e.g. ivy) species. Based on the proposed development plan and the site inspection it does not appear that the project will change the creek hydraulics in any way or result in a need for added bank stabilization. There may be some temporary disturbance of the slope above (north of) the culvert outlet during demolition of the existing building's foundations, including removal of ivy attached to the retaining wall. It is recommended that if parts of this slope become exposed during demolition they are replanted with appropriate native herbaceous vegetation.

A survey of the culvert upstream of its opening into the creek was conducted by Encompass Inspections on July 13<sup>th</sup>, 14<sup>th</sup> and 20<sup>th</sup> 2017 (Encompass Inspections, 2017). This survey used geophysical and remote sensing techniques and confirmed that the culvert does not pass under the 3300 Broadway parcel, but lies approximately 6 to 8 feet to the east under two private parcels (not part of the proposed project). Therefore, no changes to the culvert or to the creek channel are anticipated as part of this project.



Figure 1. Plan of proposed development and staging area. Creek centerline – blue dashed line; culvert – blue rectangle; edge of water – solid blue line; 20 foot top of bank buffer - green dashed lines. Source: YHL Architects, 2017



Figure 2. View of existing building, proposed development and temporary staging area



Figure 3. View of culvert at foot of headwall slope leading to existing building

# 4 CREEK PROTECTION PLAN

The creek will be protected by the measures laid out in the Creek Protection – Erosion Control Plan (BKF 2017) and described below.

### General

- No new construction or grading will take place within 20 feet of top of bank except for demolition and removal of the existing building and its foundation.
- No grading is anticipated below top of creek bank except to remove the foundation
  of the existing building. If vegetation and soil within the creek top of bank zone is
  disturbed during this process, soil will be replaced as soon as possible, one hundred
  percent biodegradable erosion control fabric will be placed over it and native
  riparian plants will be planted.
- No native riparian trees will be removed from the riparian corridor.
- If any changes are required to the above measures, prior approval will be sought from the City of Oakland.
- Implementation of the creek protection measures will be monitored regularly.

### Education on creek protection provided to workers on the site

• Workers will be educated about the presence of the creek and the location of the 20 foot top of bank zone, the need to protect the creek environment, and the specific measures to protect the creek.

### Litter/debris prevention measures

- The existing chain link fence between the staging area and the creek will be maintained to prevent litter from blowing into the creek, and to prevent workers from entering the creek channel.
- During demolition of the existing workshop, no litter or loose debris will be stored within the 20 foot creek top buffer.
- No loose construction materials will be stored within 20 foot of the creek top of bank in either the staging area or the development site.
- Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use taps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

### **Construction site fencing**

- The existing chain link fencing separating the staging area from the creek will be left in place.
- A temporary silt fence will be constructed at top of bank where no fence currently exists, to prevent creek access, to visually identify the creek zone and to prevent sediment entering the creek from the construction site.

### Future and ongoing sediment and erosion control measures

- No loose construction materials will be stored within the 20 foot top of creek zone.
- Straw sediment control wattles or hay bales will be placed around the top of bank perimeter within the project site and the staging area to trap sediment and prevent erosion into the creek.
- Straw sediment control wattles and a silt fence will be placed around the headwall by the culvert to trap sediment and prevent erosion into the creek during demolition of the existing building.
- One hundred percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual native species.
- Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the planting of the area with native vegetation as soon as possible.
- All work in the creek channel (between the creek and top of bank) must be performed with hand tools and by a minimal number of people. Immediately on completion of this work, soil must be repacked and native vegetation planted.
- Ensure that concrete/granite supply trucks or concrete/plaster finishing operations to not discharge wash water into the creek, street gutters or storm drains
- Remove all dirt, gravel, refuse and green waste from the sidewalk, street pavement and storm drain adjoining the project site.
- Broom sweep the street pavement adjoining the project site on a daily basis. Caked

   on mud or dirt shall be scraped from these areas before sweeping. At the end of
   each workday the entire site must be cleaned and secured against potential erosion,
   dumping or discharge to the creek, street, gutter or stormdrains.
- All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the erosion and sediment control field manual published by the Regional Water Quality Control Board.

#### Dust control

• During grading operations the site shall be watered on a daily basis to minimize the release of dust and other particulate matter.

#### Methods of cleaning tools and equipment

• Direct and locate tool and equipment cleaning so that wash does not discharge into the creek.

### Wet weather protection

- The rainy season is considered to be October 15<sup>th</sup> to April 15<sup>th</sup>. Erosion and sediment control facilities are to be operable prior to October 1<sup>st</sup> of any year.
- Grading operations during the rainy season which leave denuded slopes shall be protected by erosion control measures immediately following grading of the slopes.
- All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- In wet weather, avoid driving vehicles off paved areas and other outdoor work.
- During the rainy season, all paved areas shall be kept clear of earth materials and debris. The site shall be maintained so as to minimize sediment laden runoff to any storm drainage system, including water courses.

#### **Emergency preparations for construction related spills**

• Create a contained and covered area on the site outside the creek zone or the 20 foot top of bank zone fir storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used by the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
# 5 REFERENCES

BKF 2017 Erosion Control – Creek Protection Plan

Encompass Inspections 2017 RD 700 Locate Survey

YHL Architects 2017 Site Plan

# **6 LIST OF PREPARERS**

This report was prepared by the following ESA staff:

Andrew Collison, Ph.D, Director



July 28, 2017

Javier Chavez The California Group Oakland, CA

#### RD 7000 Locate Survey

# Onsite Technician: Andrew Kottwitz

Encompass Inspections Manager: Dave Mulcahey 818.808.6977 dmulcahey@encompassinspections.net

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# **1. Equipment and Overview**

# Ground Penetrating Radar (GPR)

- *Overview*: GPR is used as a subsurface locating device which sends radio frequency pulses into the ground to determine different densities in the soil. The frequency will commonly bend or refract around objects in the soil re: metal pipes, PVC conduits, storage tanks, etc.
- *Model(s)*: GSSI SIR-3000 along with the GSSI 400 MHz antenna

## **Radio Detection (RD)**

- *Overview*: Radio detection is the most common form of locating which uses a transmitter to energize conductive line with a radio frequency and a receiver to trace out the path of the energized line.
- *Model*: RD 7000

#### Passive Locating (PL)

- *Overview*: Passive locators amplify and detect 60 Hz harmonic signatures. These signatures are common in electric and communications lines under load.
- *Model(s)*: Goldak 600 and RD 4000

#### **Rodder Locating (RDR)**

- *Overview*: Rodder is used for known utilities that cannot be traced through standard methods such as sewer, storm drains, empty conduits, etc. Rodder is fed down utility and then energized using RD method.
- *Model*: Jameson Duct Hunter series

## **Electromagnetic Induction (EMI)**

- *Overview*: EMI works by energizing the soil in a large area with an electromagnetic signal or frequency. The EMI is functional in large open areas only and is perfect for finding large unknown metallic objects buried in the soil.
- Model: GSSI Profiler

#### Magnetometer (MAG)

- *Overview*: Magnetometer locating is the similar to standard metal locating. The locator picks up any magnetic (ferrous) signature.
- *Model*: Dunham and Morrow MAG PRO 2.

## Camera Snake (CS)

- *Overview*: Used to inspect the inside of pipes for damages. Camera snakes also include "sonde" technology which allows the head of the camera to be located.
- *Model*: Amazing Machinery, ProBuilt Tools, and Rigid

#### 2. Site Description

The RD 7000 utility locate survey was conducted at a culvert located behind XYZ Motors at 3047 Brook St. in Oakland, CA. The culvert opening was near the southeast corner of the building, opening into a stream in a gulley. Adjoining this address were two private residences, which under which it appeared the culvert was running.

Job date(s): Thursday, July 13th, Friday, July 14th, and Thursday, July 20th, 2017

#### 3. Survey Process

Arrived on site and met with Javier. He said he needed to determine the path and location of the culvert in order to plan for future site development at 3047 Brook St.

The technician first attempted to run a conductive line with an attached sonde down the culvert, but the culvert was too wide and the line not rigid enough to accommodate this method of locating.

The technician then constructed a rigid conduit to push down the culvert, so that the conductive line could travel down the conduit. The conduit was successfully pushed approximately 150 feet into the culvert, then the technician ran the conductive line through the conduit.

Unfortunately, the back yards of the two private residences could not be accessed initially, so the technician attempted to detect the sonde or conductive line near the Honda dealership located further down the street. This proved ineffective, so Javier secured the right to access the back yards from the homeowners. Once this was done, the technician was able to detect and mark both the sonde and the conductive line within the culvert.

#### 4. Findings and Results

The technician determined that the culvert ran in a diagonal path away from the rear wall of the property in question (3047 Brook St.) underneath the back yards of the two private residences. At the southeast corner of the building, the culvert was no closer than 6 feet away, and at 30 feet north from that point along the rear wall of the building, the culvert was no closer than 8 feet away, continuing straight in that fashion for the length of the building. Both the sonde and the conductive line verified these measurements.



Sketch showing the relative positions of the corner of the building and the conductive line and sonde within the culvert. Note: the measurements here are actual measurements, but the measurements of 6 feet away and 8 feet away above are taking into consideration that the conductive line and sonde may have been as many as 4 feet away from the edge of the culvert closest to the building, since the culvert was 4 feet wide.

Dave Mulcahey | Los Angeles, CA M 818.808.6977 | F 888.811.8856 dmulcahey@encompassinspections.net | www.encompassinspections.net

#### 5. Qualifications

Encompass Inspections (EI), started in 2010, prides itself on using the best and latest technologies to aid in the safe completion of all concrete and underground penetrations. With nationwide service, EI provides the same great service to all clients from coast to coast. By employing highly trained and skilled employees EI assures the best customer satisfaction in the industry.

EI performs jobs daily in the most high profile areas such as airports, hospitals, schools, military bases, water and oil processing plants, and more. Below is a list of just a few jobs that EI has completed recently:

- LAX Los Angeles International Airport CA
- Arizona State baseball facilities Tempe, AZ
- Sky Harbor Airport Phoenix, AZ
- Disneyland Anaheim, CA
- General Motors Plants MI, TX
- Naval Air Station Kingsville, TX
- Camp Pendleton CA
- Hines Hospital Hines, IL
- Montrose VA Hospital Montrose, NY
- Lockheed Martin TX
- Google Campus Mountain View, CA
- Intel Buildings CA, AZ

Please also feel free to check our website for more recent projects: www.encompassinspections.net

#### 6. Conclusion

In conclusion, EI performed the task of surveying the culvert located adjacent to 3047 Brook St. in Oakland, CA.

As always, if you should have any questions, or require further assistance, please do not hesitate to call.

Respectfully submitted,

**Encompass Inspections** 

Dave Mulcahey General Manager Encompass Inspections 602.930.5699

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Dave Mulcahey | Los Angeles, CA M 818.808.6977 | F 888.811.8856 dmulcahey@encompassinspections.net | www.encompassinspections.net



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