

**Attachment E: Infill Performance Standards, per CEQA Guidelines Section 15183.3**

## Attachment E: 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 E-1, on the pages following, shows how the proposed project satisfies each of the applicable requirements.

Table E-1 Project Infill Eligibility		
CEQA Eligibility Criteria		Eligible?/Notes for Proposed project
1.	Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter. For the purpose of this subdivision, "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes The project site has been previously developed with a surface parking lot, 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 Design.</i> All projects must implement <u>all</u> of the following:	—
	Renewable Energy. <i>Non-Residential projects.</i> All nonresidential projects shall include on-site renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. <i>Residential projects.</i> Residential projects are also encouraged to include such on-site renewable power generation.	Not Applicable According to Section IV (G) of CEQA Appendix M, Because the predominant use is residential, the proposed project is encouraged, but not required to include on-site renewable power generation.
	Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable	Yes As stated in Section 7, Hazards and Hazardous Materials, of the CEQA Checklist, the project has implemented a number of corrective actions, with oversight by ACDEH to allow the site to be redeveloped for residential uses. The City will ensure that the ACDEH has issued a no further action letter prior to issuance of a construction-related permit.

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document that identifies remediation appropriate for the site.	
<p>Residential Units Near High-Volume Roadways and Stationary Sources.</p> <p>If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Yes</p> <p>The project is located within 1,000 feet of a high volume roadway (Interstate I-580). Accordingly, the project is subject to the City's SCAs related to Toxic Air Contaminants.</p> <p>Pursuant to the City SCAs, the project applicants may choose to prepare a project-specific HRA to determine relative health risks to future residents and mitigate accordingly, or may choose to install MERV-16 air filters or passive electrostatic filtering systems as part of the Project's HVAC system, as well as other potentially applicable design measures to reduce the impact on indoor air quality within the project. The project applicant has chosen to conduct an HRA..</p>
2b. <i>Additional Performance Standards by project Type.</i> In addition to implementing all the features described in Criterion 2a above, the project must meet eligibility requirements provided below by project type. <sup>a</sup>	—

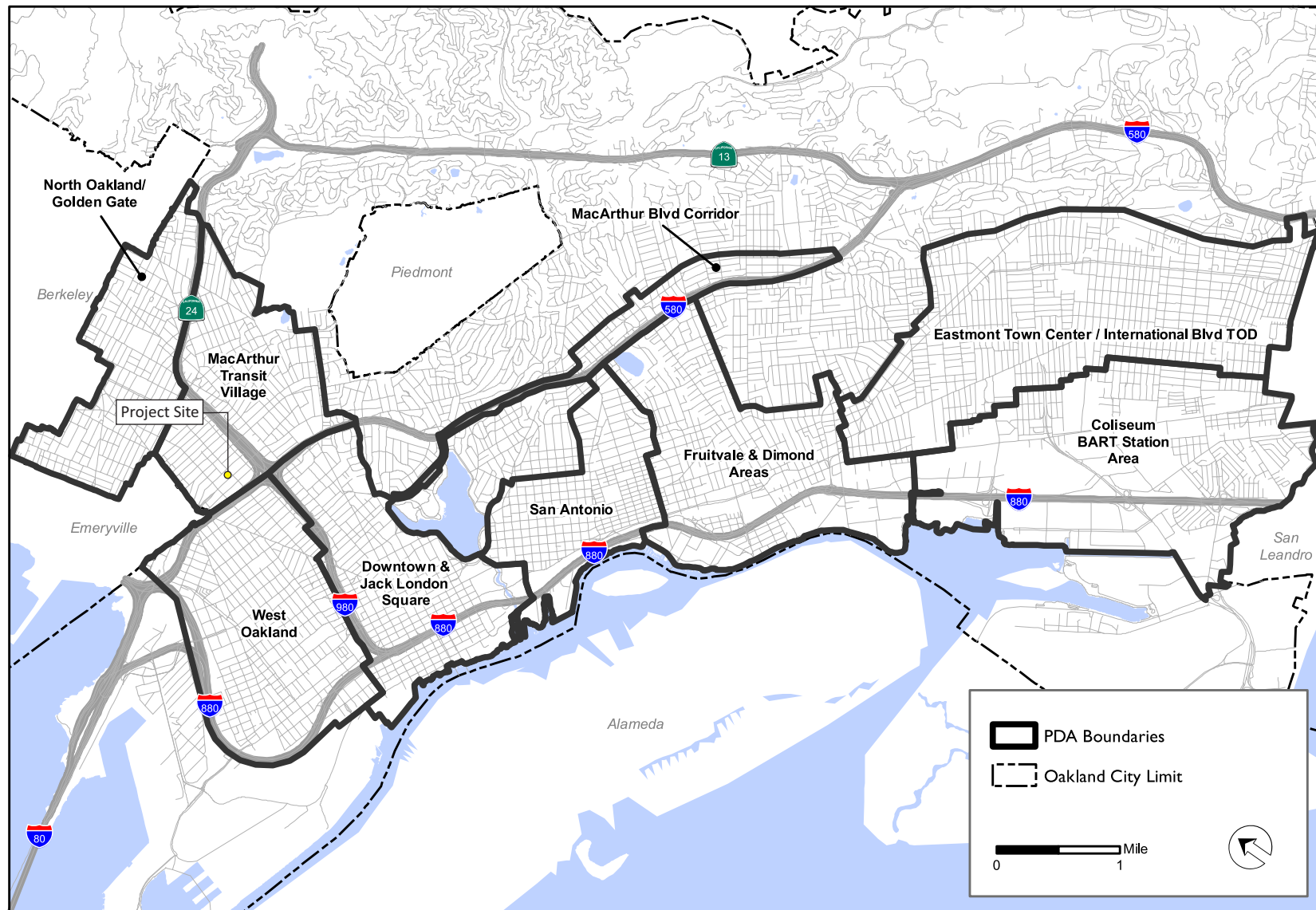
Table E-1 Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed project
<p><b>Residential.</b> A residential project must meet <u>one</u> of the following:</p> <p>A. <i>projects achieving below average regional per capita vehicle miles traveled.</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p>B. <i>projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; <u>or</u></p> <p>C. <i>Low-Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Yes</p> <p>The proposed project is eligible under Section (B). The project site is well-served by multiple transit providers, including numerous Alameda-Contra Costa County Transit District (AC Transit) routes and transit service provided by the Bay Area Rapid Transit (BART). The project site is approximately 0.3 mile southwest of the MacArthur BART station.</p> <p>Numerous bus routes in the project vicinity, along Market Street, Martin Luther King Jr. Street, and 40<sup>th</sup> Street, further satisfy this criterion.</p>
<p><b>Commercial/Retail.</b> A commercial/retail project must meet <u>one</u> of the following:</p> <p>A. <i>Regional Location.</i> A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; <u>or</u></p> <p>B. <i>Proximity to Households.</i> A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Not Applicable</p> <p>As a residential project, the requirements for commercial/retail projects do not apply.</p>
<p><b>Office Building.</b> An office building project must meet <u>one</u> of the following:</p> <p>A. <i>Regional Location.</i> Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; <u>or</u></p> <p>B. <i>Proximity to a Major Transit Stop.</i> Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p> <p>The proposed project would not include any office space.</p>
Schools.	Not Applicable

Table E-1 Project Infill Eligibility	
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<p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	The proposed project would not include any schools or related facilities.
<p>Transit.</p> <p>Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	<p>Not Applicable</p> <p>The proposed project would not include any transit stations.</p>
<p>Small Walkable Community projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (f)(5), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable</p> <p>The proposed project is not considered a small walkable community project.</p>
<p>3. Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, <b>except</b> as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; <u>or</u></p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines Section 15183.3(f)(5). (CEQA Guidelines § 15183.3[b](3))</p>	<p>Yes</p> <p>(see explanation below table)</p>

<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**—Plan Bay Area, adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) in 2013, serves as the Sustainable Communities Strategy (SCS) for the San Francisco Bay Area, per Senate Bill 375. Plan Bay Area defines Priority Development Areas (PDAs) well-served by transit where new development can best support the needs of residents and workers in a pedestrian-friendly environment. As shown on Exhibit 15, the project site is located within the MacArthur Transit Village PDA.

The proposed project would involve construction of 92 residential units in the MacArthur Transit Village PDA. The residential component of the proposed project would bring an estimated 209 new residents and potential patrons of shops and restaurants to the area, thereby contributing to the around-the-clock vitality that the MacArthur Transit Village PDA seeks to create.



Source: City of Oakland, Planning and Building Department, July 2020.

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