

CEQA FINDINGS:**Certification of the EIR, Rejection of Alternatives and
Statement of Overriding Considerations for the
West Oakland Specific Plan****I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the West Oakland Specific Plan (WOSP or Project), a 25-year planning document that provides goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.
3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The West Oakland Specific Plan encompasses the West Oakland district generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and the re-located Interstate-880 (Nimitz Freeway) wrapping around the south and west. A small portion of the plan area is above I-880 in the East Bay Bridge Shopping Center and below I-880 near Linden Street. The Plan Area comprises approximately 1,900 acres, subdivided into 6,340 parcels. The WOSP provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The WOSP facilitates new development on sites that are identified in the Draft Plan as "Opportunity Sites." The identified "Opportunity Sites" are primarily longstanding dormant and /or underutilized properties, development sites available as a result of the relocated I-880 freeway, and additional sites expected to be vacated as their current uses relocate to the former Oakland Army Base. The WOSP groups similar "Opportunity Sites" concentrated in a compact location into larger geographic units termed "Opportunity Areas." The WOSP identifies four distinct Opportunity Areas where the majority of growth and development is expected to occur (the Mandela/West Grand Opportunity Area, the 7th Street Opportunity Area, the 3rd Street Opportunity Area, and the San Pablo Avenue Opportunity Area). Each of the Opportunity Areas has a different land use focus that responds to specific site conditions and development contexts in order to promote various revitalization objectives and provide variety to development within the West Oakland district. The WOSP would promote projects that generate significant job generation in the Mandela/West Grand Opportunity Area; Transit-Oriented Development (TOD) at the West Oakland BART Station in the 7th Street Opportunity Area; commercial and industrial uses that benefit from adjacent Port of Oakland in the 3rd Street Opportunity Area; and mixed use residential and commercial developments along major corridors of San Pablo Avenue and West Grand Avenue. The WOSP would preserve and enhance the existing West Oakland Residential Areas. In order to achieve this vision, the WOSP proposes a series of improvements related to land use, circulation, transportation, streetscape, utilities, infrastructure, blight, crime, brownfields, neighborhood enhancement, historic preservation, the creative economy/arts, open

space, affordable housing, and equitable economic development. These recommended plan improvements are summarized in Chapter 11, Implementation Matrix of the WOSP.

Concurrent, but separately, the project also includes changes to the General Plan (text and map changes); Planning Code amendments; Zoning Maps and Height Maps; and new design guidelines (collectively called “Related Actions”) to help implement the WOSP vision and goals.

General Plan Changes: With respect to the General Plan, proposed General Plan Amendments include actions which:

- Clarify the industrial/residential interface of developments where land use conflicts exist
- Emphasize commercial development patterns along important West Oakland corridors
- Better define the boundaries of Housing and Business Mix areas
- Adjust the land use designations as appropriate for existing parks to ensure these parcels continue to serve as urban open space
- Make ministerial General Plan corrections that were inadvertently omitted from past General Plan amendment efforts.

Planning Code and Map Changes: The WOSP proposes four new CIX base zones that would replace the existing CIX-1 Zone designation in selected West Oakland areas:

- a) CIX-1A (Business Enhancement) Zone, intended to create, preserve and enhance industrial areas in West Oakland that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small space for start-up businesses.
- b) CIX-1B (Low Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.
- c) CIX-1C (High Intensity Business) Zone, intended to support industrial areas in West Oakland that are appropriate for a broad range of higher intensity commercial, retail, office and advanced manufacturing –type uses. This zone will be applied to areas with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.
- d) CIX-1D (Retail Commercial Mix) Zone, intended to create, preserve, and enhance industrial areas in West Oakland that are appropriate for a broad range of large-scale retail and commercial uses. This district will be applied to certain areas with a prominent street location.

In order to improve air quality and decrease truck traffic in the neighborhoods, the WOSP proposes a new “T” Combining Zone Overlay that can be combined with any of the new CIX-1A, CIX-1B, CIX-1C, or CIX-1D base zones above in order to designate the allowed areas for heavy impact land uses (e.g., ‘CIX-1C/T’). The “T” Overlay will primarily be applied within the 3rd Street Opportunity Area below the I-880 freeway.

The creation and mapping of the new “T” (for ‘Trucks’) Combining Zone Overlay is intended to indicate areas where significant truck traffic would not be problematic, since the new CIX-1A, CIX-1B, CIX-1C, or CIX-1D base zones would restrict the allowed location of certain heavy impact land uses such as freight/truck terminals, truck yards, and primary waste collection centers, to designated areas outside of

the West Oakland “freeway ring” (defined as I-980 to the east, I-880 to the south and west, and I-580 to the north).

Additional new Plan Area-wide designations would be created and mapped: a ‘Home Craft Production District, a ‘7th Street Cultural District,’ and an ‘Arts and Culture District.

Revisions to the existing S-15 Transit-Oriented Development (TOD) Zone regulations are recommended to create a new mixed use TOD Zone exclusively for the West Oakland BART Station area within the WOSP Plan Area. Relatedly, the Heights Map is proposed to be revised for parcels within the TOD Area to allow for lower TOD building heights for developments nearest the adjacent the South Prescott neighborhood.

A new type of Housing and Business Mix (HBX) zone is recommended to be created and mapped on selected parcels: Housing and Business Mix Zone-4, intended to provide standards that allow live/work, work/live, and housing to compatibly co-exist in areas with a strong presence of industrial and heavy commercial activities. ‘Live/work’ and ‘Work/Live’ developments would be outright permitted, but ‘Residential’ developments would only be conditionally permit

In addition, the Floor Area Ratio is proposed to be reduced from 4.0 to 2.0 throughout the Plan Area.

Design Guidelines: The WOSP includes detailed design guidelines for future development in the Plan Area. In general, these design guidelines aim to influence the pattern, scale, character and quality of future development. The WOSP includes guidelines for each of the Opportunity Areas in particular, the residential Enhancement Areas, and for commercial and industrial developments in general. The WOSP Design Guidelines provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the new WOSP zoning districts. The WOSP Design Guidelines are one component of a full menu of implementation mechanisms (described in more detail in Chapter 11 of the Final Specific Plan) that together will help achieve the WOSP goals and policies. They will complement other regulatory mechanisms to give residents, building designers, property owners, and business owners a clear guide to achieving high quality development.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

4. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **October 30, 2012**. The NOP, which included notice of the EIR scoping sessions mentioned below, was distributed to state and local agencies, published in the Oakland Tribune, mailed and emailed to individuals and neighborhood and community organizations that have requested to specifically be notified of official City action on the project, posted at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street) and posted on the City of Oakland’s website. On **November 5, 2012**, the Landmarks Preservation Advisory Board conducted a duly noticed EIR scoping session concerning the scope of the EIR. On, **November 14, 2012**, the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. The public comment period on the NOP ended on **November 21, 2012**.

5. A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft EIR was published on **January 29, 2014**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies, published in the Oakland Tribune, mailed and e-mailed to individuals and neighborhood and community organizations that who have requested to specifically be notified of official City actions on the project, and posted on the City of Oakland’s website. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning

Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street), and on the City's website. A duly noticed Public Hearing on the Draft EIR was held at the February 10 2014 meeting of the Landmarks Preservation Advisory Board, at the **February 24, 2014** meeting of the Planning Commission, and at the March 12, 2014 meeting of the Oakland Parks and Recreation Advisory Commission. The Draft EIR was properly circulated for the required 45-day public review period. The public comment period on the Draft EIR closed on **March 17, 2014**.

6. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR/Response to Comment document on **May 30, 2014**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on **May 30, 2014**, eleven (11) days prior to the duly noticed **June 11, 2014**, Planning Commission public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed on **May 30, 2014** to those state and local agencies who commented on the Draft EIR, mailed and e-mailed to individuals and neighborhood and community organizations that have requested to specifically be notified of official City actions on the project, and posted on the City of Oakland's website. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission and Landmarks Preservation Advisory Board, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), at the West Oakland Branch Public Library (1801 Adeline Street) and the Oakland Main Public Library (125 14th Street), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies-- through notice, publication and distribution of the Final EIR/Response to comments Document -- at least 10 days prior to the public hearing considering certification of the EIR and the Project. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

7. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the Planning Commission and Landmarks Preservation Advisory Board relating to the EIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the Planning Commission and Landmarks Preservation Advisory Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Landmarks Preservation Advisory Board.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- g. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.

h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

8. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of the Planning and Building Department, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

9. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

10. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

11. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the **June 11, 2014**, Planning Commission staff report and exhibits/attachments. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

12. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the DEIR was completed, and that the Final EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

13. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

14. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the

Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the June 11, 2014 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

15. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

16. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

17. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

18. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.

19. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

20. As a separate and independent basis from the other CEQA findings, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan (EIR certified in March 1998); (b) the Housing Element of the General Plan (EIR certified in January 2011); (c) the Estuary Policy Plan (EIR certified in November 1998); and (d) the Historic Preservation Element of the General Plan (EIR certified in May 1998); (e) feasible mitigation measures identified in the foregoing were adopted and have been, or will be, undertaken; (f) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (g) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (h) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate project and cumulative impacts.

IX. SIGNIFICANT BUT MITIGABLE IMPACTS

21. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP).

22. **Aesthetics AESTH-4:** Implementation of the Specific Plan and Related Actions proposed as part of the project would create new sources of light and glare, but these new sources would be consistent with typical light and glare conditions. Subsequent individual projects would not substantially and adversely affect day or nighttime views in the area. However, application of SCA 39, Lighting Plan would reduce the project's potential impacts to a less than significant level. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA 40 which requires new light to meet the lighting power allowances for the applicable lighting zone for newly installed outdoor lighting equipment required by Title 24, Parts 1 and 6, Building Energy Efficiency Standards.

23. **Air Quality AIR-4:** Implementation of the Specific Plan and Related Actions proposed as part of the project would, during construction, cause individual development projects to generate fugitive dust from demolition, grading, hauling and construction activities. However, application of Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions would reduce the project's potential impacts to a less than significant level.

24. **Air Quality AIR-6:** Implementation of the Specific Plan and Related Actions proposed as part of the project would, during construction, cause individual development projects to generate construction-related toxic air contaminant (TAC) emissions from fuel combusting construction equipment and mobile sources that could exceed thresholds for cancer risk, chronic health index, acute health index or annual average PM2.5 concentration levels. However, application of SCA 40 Asbestos Removal in Structures and Supplemental SCA A: Construction-Related Air Pollution Controls for Dust and Equipment Emissions would reduce the project's potential impacts to a less than significant level. .

25. **Air Quality AIR-10:** Implementation of the Specific Plan and Related Actions proposed as part of the project would cause certain future development projects to result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM2.5 that could result

in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers. However, application of SCA Supplemental SCA B Exposure to Air Pollution (Toxics Air Contaminates would reduce the project's potential impacts to a less than significant level.

26. Hazardous Materials HAZ-1: The Planning Area contains numerous sites which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Implementation of the Specific Plan and Related Actions proposed as part of the project could create a significant hazard to the public or environment. However, application of the following SCAs and required compliance with local, state and federal regulations for treatment, remediation or disposal of contaminated soil or groundwater would reduce the project's potential impacts to a less than significant level:

- SCA 61: Site Review by the Fire Services Division Fire Prevention Bureau Hazardous Materials Unit
- SCA 62: Phase I and/or Phase II Reports
- SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment
- SCA 64: Environmental Site Assessment Reports Remediation
- SCA 65: Lead-Based Paint Remediation
- SCA 66: Other Materials Classified as Hazardous Waste
- SCA 67: Health and Safety Plan per Assessment
- SCA 68: Best Management Practices for Soil and Groundwater Hazards
- SCA 69: Radon or Vapor Intrusion from Soil or Groundwater Sources

27. Hazardous Materials HAZ-2: Implementation of the Specific Plan and Related Actions proposed as part of the project would result in asbestos or lead based paint present within older structures in the Planning Area being released into the environment during demolition or construction activities, which could result in soil contamination or pose a health risk to construction workers or future occupants. However, application of the following SCAs and required compliance with local, state and federal regulations would reduce the project's potential impacts to a less than significant level:

- SCA 41: Asbestos Removal in Structures
- SCA 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment
- SCA 65: Lead-Based Paint Remediation

28. Hazardous Materials HAZ-3: Implementation of the Specific Plan and Related Actions proposed as part of the project would create a significant hazard to the public or the environment through transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, application of the following SCAs and required compliance with local, state and federal regulations would reduce the project's potential impacts to a less than significant level:

- SCA 35: Best Management Practices
- SCA 67: Health and Safety Plan per Assessment
- SCA 68: Best Management Practices for Soil and Groundwater Contamination
- SCA 74: Hazardous Materials Business Plan

29. Hazardous Materials HAZ-4: All schools within the Planning Area are located within ¼ mile of an existing permitted hazardous materials use or an identified environmental case. Implementation of the Specific Plan and Related Actions proposed as part of the project would facilitate the addition of new businesses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances

or waste within one-quarter mile of a school. However, application of SCA 74 Hazardous Materials Business Plan and required compliance with local, state and federal regulations would reduce the project's potential impact to a less than significant level.

30. Hazardous Materials HAZ-6: Many of the development Opportunity Sites are located along streets identified as Emergency Evacuation Routes. Implementation of the Specific Plan and Related Actions proposed as part of the project could potentially interfere with an emergency response plan or emergency evacuation plan. However, application of SCA 33 Construction Traffic and would reduce the project's potential impact to a less than significant level.

31. Noise NOISE-1: Implementation of the Specific Plan and Related Actions proposed could result in construction activities, including pile drilling and other extreme noise generating construction activities temporarily increasing noise levels in the vicinity of individual project sites. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 28: Days/Hours of Construction Operation
- SCA 29: Noise Control
- SCA 30: Noise Complaint Procedures, and
- SCA 39: Pile Driving and Other Extreme Noise Generators

32. Noise NOISE-2: Implementation of the Specific Plan and Related Actions proposed could result in ongoing operational noise by stationary sources generating noise in violation of the City of Oakland Noise Ordinance regarding operational noise. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 32: Operational Noise – General (Ongoing)
- Section 17.120 of the Oakland Planning Code
- Section 8.18 of the Oakland Municipal Code.

33. Noise NOISE-4: Implementation of the Specific Plan and Related Actions proposed could result in construction activities that generate excessive ground-borne vibration during the construction period. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 38: Vibration
- SCA 57: Vibrations Adjacent to Historic Structures
- SCA 28: Days/Hours of Construction Operation
- SCA 29: Noise Control
- SCA 30: Noise Complaint Procedures, and
- SCA 39: Pile Driving and Other Extreme Noise Generators

34. Noise NOISE-5: Implementation of the Specific Plan and Related Actions proposed could generate operational ground-borne vibration at levels that would be perceptible beyond the property boundary, which would violate City of Oakland standards for operational vibration. However, application of Section 17.120.060 of the Planning Code relating to City of Oakland Performance Standards would reduce the project's potential impacts to a less than significant level.

35. Public Services and Recreation PSR-1: Implementation of the Specific Plan and Related Actions proposed could result in an increase in OFD service calls and a commensurate need for additional staffing, equipment and facilities to maintain the City's response time goals and staffing ratios. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 4, Conformance with other Requirements, requires building plans for development projects to be submitted to the OFD for review and approval.
- SCA 61, Site Review by the Fire Services Division,
- SCA 71, Fire Safety Phasing Plan,
- SCA 73, Fire Safety

36. Public Services and Recreation PSR-3: Implementation of the Specific Plan and Related Actions proposed could generate additional students attending the Oakland Unified School District (OUSD) incrementally through 2035 or longer. Therefore, the impact of the Specific Plan would be less than significant with the following action: The OUSD collects school impact fees from residential and non-residential development. Under California Government Code Sections 65995, 65996(a) and 65996(b), payment of these fees is deemed to be full and complete mitigation.

37. Traffic TRANS-6: Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS E to LOS F at the signalized intersection of Broadway and West Grand Avenue (#13) located within the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

- Implement the following measure at Broadway and West Grand Avenue (#13):
 - a) Modify the traffic signal to provide protected/permitted signal phasing for the northbound left-turn movement

To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, the individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

38. Traffic TRANS-7: Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS B to LOS E at the intersection of Adeline Street and 18th Street (#15) located outside the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

Implement the following measures at the Adeline Street and 18th Street (#15) intersection:

- a) Retain the existing traffic signal control at the intersection and upgrade it to an actuated signal rather than converting to a single-lane roundabout as proposed as a part of the project

To implement this measure, the individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval.

All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards

and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

39. **Traffic TRANS-8:** Implementation of the Specific Plan and Related Actions proposed could degrade the PM peak hour operations from LOS D to LOS F at the signalized intersection of Adeline Street and 5th Street (#24) located outside the Downtown Area. However, application of the following Mitigation Measure would reduce the project's potential impacts to a less than significant level:

Implement the following measure at Adeline Street and 5th Street (#24):

- a) Modify the traffic signal to remove split phasing and provide protected permitted left turn phasing for the northbound and southbound left-turn movements

To implement this measure, individual project applicants shall submit Plans, Specifications, and Estimates (PS&E) to modify the intersection to the City of Oakland for review and approval. All elements shall be designed to City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction.

Individual project applicants shall fund the cost of preparing and implementing the above measures. However, if the City adopts a transportation fee program prior to implementation of this mitigation measure, individual project applicants shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate this impact to less than significant.

40. **Utilities and Service Systems UTIL-1:** Future development in accordance with the Specific Plan would consist of redevelopment of previously developed properties so there would be limited change in impervious surface area stormwater runoff. Development facilitated by the Specific Plan would not result in an increase in stormwater runoff. However, application of the following SCAs and recommendations would reduce the project's potential impacts to a less than significant level:

- o SCA 75: Stormwater Pollution Prevention Plan
- o SCA 80: Post-construction Stormwater Pollution Prevention Plan
- o SCA 91: Stormwater and Sewer
- o **Recommendation Util-1a:** As the area improves, underground storm drain lines should be added to several of the Opportunity Areas' street sections where such lines do not exist. Additional storm drainage structures, including conduit, would be a way to address both ponding and adequate conveyance of storm runoff.

41. **Utilities and Service Systems UTIL-3:** With the City's sub-basin allocation system, construction of needed sewer improvements pursuant to SCA 91, Stormwater and Sewer, payment of improvement and hook-up fees, the wastewater collection and treatment system would have adequate capacity to serve future development in accordance with the Specific Plan. However, application of the following SCA and recommendations would reduce the project's potential impacts to a less than significant level:

- SCA 91: Stormwater and Sewer
- **Recommendation Util-3a:** Underground utility improvements should be installed prior to final streetscape improvements to prevent damage and the need for patching such improvements during trenching operations.
- **Recommendation Util-3b:** Properties to be redeveloped and/or reused should abandon existing sewer laterals and install new laterals, and verify that there are no cross-connections from the downspouts to the sewer lateral. This would result in much lower I/I flow into the main sewer lines.

42. Utilities and Service Systems UTIL-4: The Altamont Landfill and Vasco Road Landfill have sufficient permitted capacity to accommodate the solid waste disposal needs of future development under the Specific Plan. The Specific Plan would not violate applicable federal, state, and local statutes and regulations related to solid waste. However, application of SCA 36 Waste Reduction and Recycling would reduce the project's potential impacts to a less than significant level.

43. Biology BIO-1: Implementation of the Specific Plan and Related Actions proposed would not have a substantial direct adverse effect 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 Game or U.W. Fish and Wildlife Service. However, tree removal, building demolition and other construction activities can cause disturbance, noise, or loss of habitat for resident or migratory birds and mammals, including special-status species potentially occurring within the Planning area. However, application of SCA 44 Tree Removal During Breeding Season, and SCA D Bird Collision Reduction would reduce the project's potential impacts to a less than significant level.

44. Biology BIO-4: Implementation of the Specific Plan and Related Actions proposed relating to construction activities would not have substantially interfere with the fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, but could temporarily reduce nesting opportunities for resident and migratory bird species that are protected by the federal Migratory Bird Treaty Act or California Fish and Game Code Sections 3503, 3505.5, and 3800, could also eliminate bat roosts and, if construction were to occur during the maternal roosting season, young bats incapable of flight could be destroyed. However, application of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3800 would reduce the project's potential impacts to a less than significant level.

45. Biology BIO-5: Implementation of the Specific Plan and Related Actions proposed may require the removal of trees that are protected by the City of Oakland tree Protection Ordinance. However, application of the following SCAs would reduce the project's potential impacts to a less than significant level:

- SCA 45, Tree Removal Permit
- SCA 46, Tree Replacement Plantings, and
- SCA 47, Tree Protection During Construction

46. Geology GEO-2: Implementation of the Specific Plan and Related Actions proposed could expose people or structures to substantial adverse effects, including the risk of loss, injury or death, due to strong seismic ground shaking and seismic-related ground failure, including liquefaction. However, application of SCA 60 Geotechnical Report would reduce the project's potential impacts to a less than significant level.

47. Geology GEO-4: Implementation of the Specific Plan and Related Actions proposed could result in the loss of topsoil through erosion. However, application of the following would reduce the project's potential impacts to a less than significant level:

- SCA 34: Erosion and Sedimentation Control
- SCA 55: Erosion and Sedimentation Control Plan
- SCA 75/76: Erosion, Sedimentation, and Debris Control Measures

48. **Geology GEO-5:** Portions of the Planning Area are underlain by unstable geologic conditions and soils, and potentially wells, pits, tank vaults or unmarked sewer lines, creating substantial risks to life or property. Implementation of the Specific Plan and Related Actions proposed could expose people or structures to substantial adverse effects. However, application of SCA 58 Soils Report and SCA 60 Geotechnical Report would reduce the project's potential impacts to a less than significant level.

49. **Hydrology HYDRO-1:** Implementation of the Specific Plan and Related Actions proposed would not be subject to waste discharge requirements and would not violate any water quality standards or waste discharge requirements. However, application of the following actions would reduce the project's potential impacts to a less than significant level:

- Required compliance with applicable NPDES permits, which also serve as Waste Discharge Requirements (WDRs), including:
 - the Municipal NPDES permit for stormwater discharges (Alameda Countywide NPDES Municipal Stormwater Permit Water Quality Order No.R2-2003-0021, NPDES No. CAS0029831);
 - the Construction General Permit for construction activities associated with land disturbance of more than one acre (WDRs) for Discharges of Storm Water Associated with Construction Activity Water Quality (Order No.99-08-DWQ, NPDES No. CAS000002);
 - individual NPDES permits/WDRs for discharges that do not fall under the above categories;
 - discharges from the municipal wastewater treatment facilities (e.g., Waste Discharge Requirements for the East Bay Municipal Utility District, Special District No. 1 Wet Weather Facilities (Alameda and Contra Costa Counties Water Quality Order No.R2-2009-0004, NPDES NO. CA0038440); US HUD/Oakland City of Housing Authority NPDES No. CA0038512);
 - as well as Industrial General Permits.

50. **Hydrology HYDRO-3:** Grading and excavations associated with future development pursuant to or consistent with the Specific Plan could expose underlying soils to erosion or siltation, leading to downstream sedimentation in stormwater runoff. However, application of SCA 75 Stormwater Pollution Prevention Plan would reduce the project's potential impacts to a less than significant level.

51. **Hydrology HYDRO-4:** Operational activities such as increase vehicular use, landscaping maintenance and industrial operations could potentially introduce pollutants into stormwater runoff, resulting in degradation of downstream water quality. Implementation of the Specific Plan and Related Actions proposed could create or contribute to substantial runoff which would exceed the capacity or existing or planned stormwater drainage systems, create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality. However, application of SCA 80 Post-Construction Stormwater Management Plan and SCA 81 Maintenance Agreement for Stormwater Treatment Measures would reduce the project's potential impacts to a less than significant level.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

52. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning

Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures as set forth below.

53. Air Quality AIR-3: ODOR IMPACTS: The development under the Specific Plan could result in exposing a substantial number of new people to existing and new objectionable odors. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. This EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing and potential new odor sources) in order to provide information to the public and decision-makers. Therefore, the impact conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
54. Air Quality AIR-5: The development under the Specific Plan could result in, during construction, individual development projects generating regional ozone precursor emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects could generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
55. Air Quality AIR-7: The development under the Specific Plan could result in emissions of criteria pollutants (ROG, NO_x PM₁₀ and PM_{2.5}) as a result of increased motor vehicle traffic and area source emissions. Traffic emissions combined with anticipated area source emissions would generate levels of criteria air pollutants that would exceed the City's project-level thresholds of significance. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
56. Air Quality AIR-9: The development under the Specific Plan could result in new light industrial, custom manufacturing and other similar land uses, as well as the introduction of new diesel generators that could emit toxic emissions resulting in (a) a cancer risk level greater than 10 in one million, (b) a chronic or acute hazard index greater than 1.0, or (c) an increase of annual average PM_{2.5} concentration of greater than 0.3 micrograms per cubic meter; or under cumulative conditions, resulting in a) a cancer risk level greater than 100 in a million, b) a chronic or acute hazard index greater than 10.0, or c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
57. Air Quality AIR-10: The development under the Specific Plan could result in new sensitive receptors exposed to existing levels of toxic air contaminants (TACs) or concentrations of PM_{2.5} that could result in increased cancer risk or other health hazards. CEQA requires the analysis of potential adverse effects of a project on the environment. Potential effects of the environment on a project are legally not required to be analyzed or mitigated under CEQA. However, this EIR nevertheless analyzes potential effects of the environment on the project (i.e. siting new receptors near existing TAC sources) in order to provide information to the public and decision-makers. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
58. Greenhouse Gas Emissions GHG-3: The development under the Specific Plan could result in exceeding, on an individual and project-by-project basis, the project-level GHG threshold. Under the

City's required SCAs, individual development projects exceeding project-level screening criteria are required to undergo project-specific GHG emissions forecasts and, as appropriate, implement project-specific GHG reduction plans with the goal of increasing energy efficiency and reducing GHG emissions to the greatest extent feasible below both applicable numeric City of Oakland CEQA Thresholds. However, not until these tiered projects are proposed and evaluated can the efficacy of each individual project's design characteristics, applicable SCAs and other City policies (particularly SCA F) in reducing GHG emissions to below relevant thresholds be determined. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

59. Traffic and Transportation TRANS-1 (Existing plus Project) and TRANS--3 (Cumulative plus Project) at Hollis and 40th Street: The development under the Specific Plan could result in both Existing conditions and Cumulative 2035 conditions in causing PM peak hour southbound left turn 95th percentile queue length at the signalized intersection of Hollis and 40th Street (#1) located in Emeryville to exceed the available queue storage. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. Therefore, these impacts are conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
60. Traffic and Transportation TRANS-2 (Existing plus Project) and TRANS--4 (Cumulative plus Project) at San Pablo Avenue and 40th Street: The development under the Specific Plan could result in both Existing Conditions and Cumulative 2035 Conditions in causing PM peak hour traffic operations at the signalized intersection of San Pablo Avenue and 40th Street (#2) located in Emeryville to degrade from LOS D to LOS E under Existing plus Project conditions. Additionally, the eastbound left and northbound left turn 95th percentile queue length would exceed the available queue storage in the AM peak hour. Because this intersection is within the City of Emeryville's jurisdiction, the timing and implementation of the improvements are not under the City of Oakland's control. Therefore, the improvement cannot be assured to be completed. Therefore, these impacts are conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
61. Traffic and Transportation TRANS-5 (Cumulative plus Project) at Mandela Parkway and West Grand Avenue: The development under the Specific Plan could result in under Cumulative 2035 conditions that would degrade operation from LOS D to LOS F in the AM peak hour, and from LOS E to LOS F in the PM peak hour at the signalized intersection *at Mandela Parkway and West Grand Avenue* (#7) located outside the Downtown Area and would increase the volume-to-capacity ratio beyond the threshold of significance. The recommended mitigation measures would encroach into Memorial Park and the street medians, and the provision of four westbound lanes would preclude planned installation of a bicycle facility on West Grand Avenue which is a City priority (Resolution 84197, Nov 2012). Therefore, these additional improvements are not recommended. Therefore, this impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

XI. FINDINGS REGARDING ALTERNATIVES

62. The Planning Commission finds that specific economic, social, environmental, technological, legal and/or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below. And that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.

63. The EIR evaluated a reasonable range of alternatives to the project that was described in the Draft EIR. Of the six alternatives considered, two were not analyzed in detail as explained in the Draft EIR. The two alternatives that were not analyzed in detail in the Draft EIR include a) Alternative Site. Alternative and b) Fully Mitigated Alternative. The Planning Commission adopts the EIR's analysis and conclusions eliminating these two alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible. The four potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project or provide decision makers with additional information. These alternatives include: Alternative 1: the No Project Alternative, Alternative 2: the Reduced Project Alternative, Alternative 3: the Scenario with Commercial and Jobs Emphasis Alternative, and Alternative 4: the Maximum Theoretical Buildout Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. After the No Project Alternative (1), the Reduced Project Alternative (2) was identified as the environmentally superior alternative.
64. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the City's goals and objectives and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The four potentially feasible alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.
65. Alternative 1: No Project: Under the No Project Alternative, the Specific Plan would not be adopted, the West Oakland Development Program would not occur, and no changes in current General Plan land use designations, zoning or other regulatory measures would occur (i.e., no conversions of industrial lands to residential use and no new land use overlays). However, the No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Specific Plan. This includes certain already approved but not built projects in the Plan Area, as well as development that would reasonably be expected to occur in the Plan Area in accordance with existing plans, zoning, and regulatory framework. The pace of new development within West Oakland would be expected to occur at a rate commensurate with development and building permit activity which has occurred over the past 10 to 15 years. The No Project Alternative was rejected as infeasible because it does not meet most of the basic project objectives including:
- a. Providing for the revitalization of existing land uses and enhancing the West Oakland district.
 - b. Recommending design standards and guidelines to allow a diverse range of land uses in the West Oakland area to continue to co-exist and thrive, including existing and new higher density residential developments, commercial and industrial developments and live-work developments.
 - c. Further, the No Project Alternative would not increase the variety of development, ignoring the needs of area residents and businesses; it would not update the zoning to create harmonious transitions in land uses and streamline the installation of development amenities.
 - d. Facilitating the transformation of the Plan Area into an attractive, area for existing residences and businesses and destination for future retailers, shoppers, employers and visitors that

serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;

- f. Recommending design standards and guidelines to promote a well-designed areas that integrates high quality design of the public and private realms to establish a socially and economically vibrant, and visually and aesthetically distinctive identity for the West Oakland District;
 - e. Providing a framework and identifying potential funding mechanisms to realize needed transportation, streetscape and infrastructure improvements in the West Oakland area to achieve a balanced and complete circulation network of "complete streets" that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and transit while continuing to serve automobile traffic, and remove barriers to community and economic development;
 - g. It would result in a reduced development program thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance.
66. Alternative 2: Reduced Project Alternative: Under the Reduced Project Alternative, the Plan Area would be developed at a reduced intensity. Buildout of new non-residential space under the Reduce Alternative would be substantially less than produced under the Project. New residential and live/work development would occur generally at the same selected sites as proposed pursuant to the Project. The Reduced Project Alternative was rejected as infeasible because:
- a. The reduction in commercial and industrial development would defeat the primary objectives of facilitating the transformation of the Plan Area into an attractive, destination for existing residents and businesses as well as future retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
 - b. It would result in a reduced development program as described above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance; and/or
 - c. Even with the reduced development, a number of air and transportation impacts still remain significant and unavoidable.
67. Alternative 3: The Scenario with Commercial and Jobs Emphasis Alternative. Under the Scenario with Commercial and Jobs Emphasis Alternative, development would occur similar to that indicated for the project, this alternative would result in a reduction of between 533 residential units and up to 950 residential units due to developing a substantial component of commercial office space rather than housing at the west Oakland BART Station. The Scenario with Commercial and Jobs Emphasis Alternative. Under the Scenario with Commercial and Jobs Emphasis Alternative was rejected as infeasible because:
- [NEED TO CHECK W/ULLA TO FILL IN]
68. Alternative 4: Maximum Theoretical Buildout: The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Specific Plan. Under this alternative, the overall development program would be substantially greater than the Project's land use development program (roughly 3.3 times as much non-residential development and an approximately 8 percent increase in residential development as compared to the Project. Most of the Project's significant and unavoidable impacts would be substantially increased in

intensity under this Alternative when compared to the Project The Maximum Theoretical Buildout Alternative 4 is rejected as infeasible because:

- a. All environmental impacts were significantly more severe than the Project under Alternative 4;
- b. Build-out of each site to the maximum intensity is unrealistic given historical and projected development patterns; and/or
- c. The infrastructure necessary to support development would be cost prohibitive and have secondary impacts themselves.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

69. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X, and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.
70. The WOSP updates the goals and policies of the General Plan, and provides more detailed guidance for specific areas within the West Oakland area.
71. The WOSP builds upon existing Redevelopment Plan efforts as well as supports development of prospective desirable developments at the West Oakland BART Station, the 16th Street Train Station and the Global Logistics Center (former Oakland Army Base).
72. The WOSP provides for the revitalization of existing land uses and incentivizes prospective developments to enhance the amenities in the West Oakland area. The WOSP contains vision statements for each Opportunity Area and the recommended General Plan and Zoning amendments provide a contemporary regulatory framework to facilitate continued development of the area into an attractive location for traditional and modern commercial and industrial businesses.
73. The WOSP provides a policy and regulatory framework to achieve one of the primary objectives to enhance the Plan Area for both existing and future residents and businesses.
74. The WOSP would 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 workers spend some of their income on goods in the Plan area).
75. The WOSP Development Program promotes increased densities housing in close proximity to employment generating land uses supports the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.
76. The WOSP 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.
77. The WOSP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and

utility infrastructure and regulatory tools, policies and potential funding mechanisms to realize those improvements.